



**1998**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan2) Code Citation: 80 Ill. Adm. Code 3103) Section Numbers: Proposed Action:

310.70	Amended
310.100	Amended
310.140	Repealed
310.280	Amended
310.490	Amended
Appendix A, Table A	Amended
Appendix A, Table B	Amended
Appendix A, Table D	Amended
Appendix A, Table F	Amended
Appendix A, Table S	Amended
Appendix A, Table V	Amended

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) A Complete Description of the Subjects and Issues Involved: In Sections 310.70, 310.100 and 310.490, changes have been negotiated concerning compensability of accrued sick leave. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at one-half rate upon separation from service. In Sections 310.100 and 310.490, the outdated bi-lingual pay is being deleted in subsections (k) and (l).

In Section 310.280, Designated Rate, the following updates reflect changes already approved by the Governor:

In the Department of Children and Family Services, a Public Service Administrator position is being added with the annual salary of \$72,000.

In the Department of Commerce and Community Affairs, the Private Secretary II position's annual salary is being changed from \$43,164 to \$46,188. Also, the annual salary for the Secretary II position is being changed from \$43,164 to \$46,188.

In the Illinois Industrial Commission, the Private Secretary II position is being deleted.

In the Department of Insurance, the annual salary for the Senior Public Service Administrator is being changed from \$97,100 to \$100,992.

In the Department of Human Services, a Public Service Administrator position is being added with the annual salary of \$67,428.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

In the Department of State Police, the annual salary for the Senior Public Service Administrator is being changed from \$99,214 to \$104,151.

Section 310.Tables A (HR-190) and B (HR-200) are being revised to include rates for the first and second years of employment after 1997. The hourly rates are being included for the Building Services Worker and Elevator Operator titles.

In Section 310.Tables D HR-001 (Teamsters, Local #726) and F RC-019 (Teamsters, Local #25), the State and Municipal Teamsters, Chauffeurs and Helpers Union Local #726, International Brotherhood of Teamsters (Cook County) and the Illinois Conference of Teamsters have negotiated their new three-year contracts as reflected below:

Those employees whose retirement formulas were changed shall receive a one-time lump sum payment of \$565 for Fiscal Year 1998. The Highway Maintainer title will reflect "New Hire" rates for the first, second and third year of employment. Effective July 1, 1997, the employees in the Department of Corrections (RC-019) shall receive an increase of \$99 per month. Effective July 1, 1998, the rates of pay for all classes shall be increased by \$105 per month. And effective July 1, 1999, the rates of pay shall be increased by \$115 per month.

In Section 310.Table S HR-012 (Fair Employment Practices Employees, SETU), the Service Employees International Union, Local #73 negotiated a three year contract which reflects that employees shall receive a one-time stipend of \$565, effective July 1, 1997. Effective July 1, 1998, the rates of pay for all classes shall be increased by 3%. The Human Rights Investigators I, II and III shall be upgraded by one salary grade. And effective July 1, 1999, the rates of pay for all classes shall be increased by 3%.

In Section 310.Table V CU-500 (Corrections Meet and Confer Employees), the salary range for the Corrections Clerk III is being included for July, 1998, which was originally left out in the peremptory filing at 22 Ill. Reg. 16465. The salary ranges for the July 1, 1999 Maximum Security Institutions Schedule are being revised to reflect the accurate rates.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain any incorporations by reference? No

9) Are there any proposed amendments pending to this Part? No

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
217/782-5601

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

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Effective Date  
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Trainee Rate  
Legislated and Contracted Rate  
Designated Rate  
Out-of-State or Foreign Service Rate  
Educator Schedule for RC-063 and HR-010  
Physician Specialist Rate  
Annual Compensation Ranges for Executive Director and Assistant  
Executive Director, State Board of Elections  
Excluded Classes Rate (Repealed)

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Broad-Band Pay Range Classes
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, amended at May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; amended at 21 Ill. Reg. 15030, effective November 10, 1997; peremptory amendment at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: NARRATIVE

## Section 310.70 Conversion of Base Salary to Daily or Hourly Equivalents

For purposes of determining the hourly or daily equivalent of a base salary, the following methods of computation shall apply:

- a) Payment for vacation, Sick Leave\* and Unused Compensatory Overtime Credits -- A daily (hourly) equivalent shall be determined by converting the base salary to an annual salary and dividing the result by the number of days (hours) usually worked in a year, according to the agency's normal work schedule as filed with the Department of Central Management Services.

\*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at one-half rate upon separation from service. ~~This compensatory sick leave is for sick leave earned and not taken since January 1, 1984; it is to be~~

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~liquidated-at-one-half-rate-~~

- b) Payment for Fractional Part of a Specific Pay Period -- In those instances in which an employee is to be compensated at a rate that represents a number of work days (hours) that is less than the actual number of work days (hours) in the pay period, the formula to be used is: monthly rate divided by two equals pay period rate; pay period rate divided by days (hours) scheduled equals daily (hourly) rate; daily (hourly) rate multiplied by days (hours) worked equals gross amount earned.
- c) Part-Time Work -- Part-time employees, whose base salary is other than an hourly or daily basis, shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.100 Other Pay Provisions

- a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.
- b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1c of the salary grade.
  - 1) Qualifications above Minimum Requirements --
    - A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.
    - B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1c entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.
  - 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
  - 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new



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geographical area of assignment effective the first day of the month following date of approval.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

- 3) Incentive Pay -- An employee may be paid an amount in addition to

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his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- d) Part-time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.

- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

AGENCY NOTE -- The method to be used in computing the lump sum payment for accrued vacation, sick leave\* and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

\*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at one-half rate upon separation from service. This compensatory-sick-leave-is-for-sick-leave-earned-and-not-taken-since-January-1-1984---it-is-to-be



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~~liquidated-at-one-half-rate-~~

g) Salary Treatment Upon Return From Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

h) Salary Treatment Upon Reemployment --

1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

j) Extended Service Payment --

1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten years of service and have three years of creditable service on Step 7 in the same pay grade.

2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen years of service and have three years of creditable service on Step 7 in the same pay grade.

k) Bi-Lingual Pay --

1) Effective October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional 4% or \$75.00 per month whichever is greater in addition to the employee's base rate.

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2) Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional 5% or \$100.00 per month whichever is greater in addition to the employee's base rate.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.140 Reinstitution of Within Grade Salary Increases (Repealed)

a) This Pay Plan is hereby modified as required by Section 310.440 to allow for re-instituting within grade salary increases specified in various Sections of this Pay Plan.

b) Employees who because of the block provision in Section 310.440 did not receive increases between July 1, 1983, and the date of implementation of this Section 310.140 that they normally would have been entitled to shall be given a lump sum payment equal to the difference between what was initially paid and what is specified by the provisions of this Section. The Creditable Service date will be established to reflect that the increase was granted as scheduled prior to the block by Section 310.440.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Public Service Administrator

(Pos. No. 37015-16-00-070-20-01)

Annual Salary

72,000

Department of Commerce & Community Affairs

Economic Development Representative II

(Pos. No. 12932-42-35-110-10-02)

Annual Salary

51,912

Private Secretary II

Pos. No. 34202-42-00-000-01-02)

Annual Salary

46,188 43764

Public Information Officer IV

(Pos. No. 37004-42-00-005-10-01)

Annual Salary

56,184

Public Service Administrator

Annual Salary



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(Pos. No. 37015-42-35-140-20-01)

Illinois-Industrial-CommissionPrivate-Secretary-II

(Pos. No. 34202-50-37-000-00-01)

69,528

Annual Salary  
48,852Department of InsuranceSenior Public Service Administrator

(Pos. No. 40070-14-00-000-00-06)

Annual Salary  
100,992  
97,100Department of Human ServicesMedical Administrator I, Option D

(Pos. No. 26401-10-79-006-00-21)

Annual Salary  
142,368Medical Administrator I, Option D

(Pos. No. 26401-10-81-903-10-22)

Annual Salary  
131,250Public Service Administrator

(Pos. No. 37015-10-23-200-00-42)

Annual Salary  
67,428Senior Public Service Administrator

(Pos. No. 40070-10-81-920-00-21)

Annual Salary  
105,480Department of Natural ResourcesAdministrative Assistant II

(Pos. No. 00502-12-30-000-20-01)

Annual Salary  
50,520Department of State PoliceSenior Public Service Administrator

(Pos. No. 40070-21-10-000-00-01)

Annual Salary  
104,151 99,714

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 310.490 Other Pay Provisions

- a) Transfer -- Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Salary -- Normally upon entry to state service, an employee's

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base salary will be at the minimum salary of the salary range.

- 1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.

- B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.

- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

- 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay -- An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 2) Overtime Pay -- The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of



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Central Management Services. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in excess classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

- d) Part-time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave\* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310-520(a) of the Merit Compensation System.

AGENCY NOTE: The method to be used in computing lump sum payment for vacation, sick leave\* and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.

\*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between

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January 1, 1984 and December 31, 1997 will be compensable at one-half rate upon separation from service. ~~this compensatory sick leave is for sick-leave-earned--and-not-taken-since-january-1-1984--it-is-to-be liquidated-at-one-half-rate.~~

- g) Salary Treatment upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- i) Extra Duty Pay -- An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- j) Salary Treatment Upon Reemployment --
- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
  - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- k) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the



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salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

## 1) Bilingual Pay --

1) Effective--October--1,--1994--individual--positions--whose--job descriptions--require--the--use--of--sign--language--or--a--second language--shall--receive--an--additional--4%--or--\$75.00--per--month, whichever--is--greater--in--addition--to--the--employee's--base--rate.

2) Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional 5% or \$100.00 per month, whichever is greater, in addition to the employee's base rate.

m) Clothing or Equipment Allowance -- An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 310.APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

Building Services		
Worker	Mo.	Hr.
Employees hired prior to	07-01-97	27035.80
Employees hired after	07-01-97	17687.80
3 or more years of employment	07-01-98	27096.70
1st-year completed/New Hires	07-01-98	17922.70
2nd year of employment	07-01-98	1748.70
1st year of employment	07-01-99	27159.34
3 or more years of employment	07-01-99	27159.34
2nd-year completed/New Hires	07-01-99	1985.34
2nd year of employment	07-01-99	1811.34
1st year of employment	07-01-99	10.41
Elevator Operator		
Employees hired prior to	07-01-97	27088.00
Employees hired after	07-01-97	17740.00
3 or more years of employment	7-01-98	2,150.64
1st-year completed/New Hires	07-01-98	17976.64
2nd year of employment	07-01-98	1976.64
1st year of employment	07-01-99	2011.44
Asst Starter		
Mo.	Hr.	Mo.
27122.80	12.00	27122.80
17774.80	10.00	17774.80
2185.44	12.36	2185.44
27107.10		27107.10
27013.10		27013.10
2011.44	11.36	2011.44



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1st year of employment	07-01-98	1802.64	10.36	1837.44	10.56	1854.84	10.66
3 or more years of employment	07-01-99	27215.02	12.73	2249.82	12.93	2267.22	13.03
2nd year completed/New Hires	07-01-99	27215.02		27253.30		27270.70	
2nd year of employment	07-01-99	2041.02	11.73	2075.82	11.93	2093.22	12.03
1st year of employment	07-01-99	1867.02	10.73	1901.82	10.93	1919.22	11.03

NOTE: Effective July 1, 1997, full-time Part-time employees will receive a one-time lump sum payment of \$565. Employees hired before 7/1/97 will earn the full rate.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 310. TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)

Elevator Operator	Operator Mo.	Operator Hr.	Ast Starter Mo.	Ast Starter Hr.	Starter Mo.	Starter Hr.
Employees hired prior to after	07-01-97	27088.00	12.00	27122.80	12.20	27140.20
3 or more years of employment	07-01-97	17740.00	10.00	17774.80	10.20	17792.20
1st year completed/New Hires	07-01-98	27150.64	12.36	2185.44	12.56	2202.84
2nd year of employment	07-01-98	1976.64	11.36	2707.18	11.56	27204.58
1st year of employment	07-01-98	1802.64	10.36	27013.18	10.56	27030.58
3 or more years of employment	07-01-99	27215.02	12.73	2249.82	12.93	2267.22
2nd year completed/New Hires	07-01-99	27215.02		27253.30		27270.70
2nd year of employment	07-01-99	2041.02	11.73	2075.82	11.93	2093.22
1st year of employment	07-01-99	1867.02	10.73	1901.82	10.93	1919.22

NOTE: Effective July 1, 1997, full-time Part-time employees will receive a one-time lump sum payment of \$565. Employees hired before 7/1/97 will earn the full rate.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 310. TABLE D HR-001 (Teamsters Local #726)

A) Department of Transportation - Division of Highways - Emergency Patrol - Northeast Region - (Cook)

	July 17, 1994	July 17, 1995	July 17, 1996
Highway-Maintenance	Mo- Hr- Mo- Hr- Mo- Hr-	3245-00-19-65	3305-00-19-45
Highway-Maintenance	3244-00-19-64	3374-00-19-39	3514-00-20-20
Head-Worker			
Highway-Maintenance-Head	3294-00-19-93	3424-00-19-68	3564-00-20-48
Worker-(Head-Head-Worker)			
Maintenance-Worker	3059-00-17-58	3109-00-18-33	3320-00-19-13

B) Department of Transportation - Division of Highways - Northeast Region - (Cook)

	July 17, 1994	July 17, 1995	July 17, 1996
Heavy-Construction	Mo- Hr- Mo- Hr- Mo- Hr-	3139-00-18-04	3304-00-19-45
Heavy-Construction	3156-40-18-14	3302-50-18-98	3453-60-19-05
Equipment-Operator			
Equipment-Operator	3040-00-17-47	3160-00-18-16	3205-00-18-08
(Bridge-Crew)	3057-40-17-57	3203-50-18-41	3354-60-19-28
Highway-Maintenance	3040-00-17-47	3160-00-18-16	3205-00-18-08
(Tractor-Mower)	3160-00-18-21	3209-00-18-90	3414-00-19-62
Highway-Maintenance	3186-40-18-31	3332-50-19-15	3403-60-20-02
Head-Worker-(Bridge Crew)			
Highway-Maintenance	3219-00-18-50	3339-00-19-19	3464-00-19-91
Head-Worker			
(Head-Head-Worker)	3236-40-18-60	3302-50-19-44	3533-60-20-31
Highway-Maintenance-Head			
Worker-(Head-Head-Worker)			
Worker-(Bridge-Crew)	2940-00-16-94	3060-00-17-63	3193-00-18-35
Worker-(Maintenance)	2904-00-17-15	3104-00-17-04	3229-00-18-56

C) Department of Health - Developmental Disabilities - Public Health - Rehabilitation Services - and - Employment - Security - Northeast Region - (Cook)

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	July 17, 1994	July 17, 1995	July 17, 1996
Maintenance-Equipment	Mo- Hr- Mo- Hr- Mo- Hr-	3040-00-17-47	3160-00-18-16
Operator			
Maintenance-Equipment	3214-00-18-47	3334-00-19-16	3459-00-19-08
Operator-(Dispatcher)			
Maintenance-Worker	2893-00-16-63	3013-00-17-32	3130-00-18-03

B) Department of Central Management Services - Children and Family Services - and Public Aid - Northeast Region - (Cook)

	July 17, 1994	July 17, 1995	July 17, 1996
Grounds-Supervisor	Mo- Hr- Mo- Hr- Mo- Hr-	2926-00-16-82	3046-00-17-51
Grounds-Supervisor	3093-00-17-78	3213-00-18-47	3330-00-19-18
(Chicago-Read)			
Grounds-Supervisor	3213-00-18-47	3333-00-19-16	3450-00-19-07
(Supervising-Tractor			
Tractor-Drivers)			
Maintenance-Worker	2893-00-16-63	3013-00-17-32	3130-00-18-03
Maintenance-Worker	3040-00-17-47	3160-00-18-16	3205-00-18-08
(Chicago-Read)			
Maintenance-Equipment	3040-00-17-47	3160-00-18-16	3205-00-18-08
Operator			
Maintenance-Equipment	3101-00-17-02	3221-00-18-51	3346-00-19-23
Operator-(Tractor			
Tractor)			

A) Department of Transportation - Division of Highways - Emergency Patrol - Northeast Region - (Cook)

	July 1, 1997	July 1, 1998	July 1, 1999
Highway Maintainer	Mo- Hr- Mo- Hr- Mo- Hr-	3385.00 19.45	3490.00 20.06
(New Hire 7/1/97-6/30/98)	2539.00 14.59	2814.00 16.17	3099.00 17.81
(New Hire 7/1/98-6/30/99)		2618.00 15.05	2908.00 16.71
(New Hire 7/1/99-6/30/2000)			2704.00 15.54
Highway Maintenance	3514.00 20.20	3619.00 20.80	3734.00 21.46
Lead Worker			
Highway Maintenance Lead	3564.00 20.48	3669.00 21.09	3784.00 21.75
Worker (Lead Lead Worker)			
Maintenance Worker	3329.00 19.13	3434.00 19.74	3549.00 20.40

B) Department of Transportation - Division of Highways - Northeast Region - (Cook)

	July 1, 1997	July 1, 1998	July 1, 1999
Mo- Hr- Mo- Hr- Mo- Hr-			



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Heavy Construction Equipment Operator	3384.00	19.45	3489.00	20.05	3604.00	20.71
Heavy Construction Equipment Operator (Bridge Crew)	3453.60	19.85	3558.60	20.45	3673.60	21.11
Highway Maintainer (New Hire 7/1/97-6/30/98)	3285.00	18.88	3390.00	19.48	3505.00	20.14
(New Hire 7/1/97-6/30/98)	2464.00	14.16	2734.00	15.71	3014.00	17.32
(New Hire 7/1/98-6/30/99)			2543.00	14.62	2828.00	16.25
(New Hire 7/1/99-6/30/2000)			3459.60	19.88	2629.00	15.11
Highway Maintainer (Bridge Crew)	3354.60	19.28			3574.60	20.54
(New Hire 7/1/97-6/30/98)	2515.95	14.46	2788.95	16.03	3071.95	17.66
(New Hire 7/1/98-6/30/99)			2594.70	14.91	2882.70	16.57
(New Hire 7/1/99-6/30/2000)			3489.00	20.05	2680.95	15.41
Highway Maintainer (Drill Rig)	3384.00	19.45			3604.00	20.71
(New Hire 7/1/97-6/30/98)	2538.00	14.59	2813.00	16.17	3098.00	17.81
(New Hire 7/1/98-6/30/99)			2617.00	15.04	2907.00	16.71
(New Hire 7/1/99-6/30/2000)			3390.00	19.48	2703.00	15.53
Highway Maintainer (Tractor Mower)	3285.00	18.88			3505.00	20.14
(New Hire 7/1/97-6/30/98)	2464.00	14.16	2734.00	15.71	3014.00	17.32
(New Hire 7/1/98-6/30/99)			2543.00	14.62	2828.00	16.25
(New Hire 7/1/99-6/30/2000)			3519.00	20.22	2629.00	15.11
Highway Maintenance Lead Worker	3414.00	19.62			3634.00	20.89
Highway Maintenance Worker (Bridge Crew)	3483.60	20.02	3588.60	20.62	3703.60	21.29
Highway Maintenance Lead Worker	3464.00	19.91	3569.00	20.51	3684.00	21.17
(Lead Lead Worker)						
Highway Maintenance (Lead Lead Worker - Bridge Crew)	3533.60	20.31	3638.60	20.91	3753.60	21.57
Laborer (Maintenance)	3193.00	18.35	3298.00	18.95	3413.00	19.61
Maintenance Worker	3229.00	18.56	3334.00	19.16	3449.00	19.82

## C) Departments of Human Services, Public Health and Employment Security - Northeast Region - (Cook)

Maintenance Equipment Operator	July 1, 1997 Mo.	July 1, 1998	July 1, 1999
	3285.00	3390.00	3505.00
Maintenance Equipment Operator (Dispatcher)	3459.00	3564.00	3679.00
Maintenance Worker	3138.00	3243.00	3358.00

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## D) Departments of Central Management Services, Children and Family Services, Human Services and Public Aid - Northeast Region - (Cook)

	July 1, 1997 Mo.	July 1, 1998	July 1, 1999
Grounds Supervisor	3171.00	3276.00	3391.00
Grounds Supervisor (Chicago-Read)	3338.00	3443.00	3558.00
Grounds Supervisor (Supervising Tractor Trailer Drivers)	3458.00	3563.00	3678.00
Maintenance Equipment Operator	3285.00	3390.00	3505.00
Maintenance Equipment Operator (Tractor Trailer)	3372.10	3477.10	3592.10
Maintenance Equipment Operator (Tractor)	3311.22	3415.62	3530.46
Trailer-Dept of Human Services)			
Maintenance Worker	3138.00	3243.00	3358.00
Maintenance Worker (Chicago-Read)	3285.00	3390.00	3505.00

NOTE: Employees shall receive a one-time lump sum payment of \$565, effective July 1, 1997.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310. TABLE F RC-019 (Teamsters Local #25)

A) Department of Transportation---Division of Highways---Downstate---(All Counties--Other--Than--Cook--DuPage--Kane--Kankakee--Kendall--McHenry--and--Will)	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Bridge-Mechanic	3073-00--17-66	3193-00--18-35	3318-00--19-07
Bridge-Tender	2872-00--16-51	2992-00--17-20	3117-00--17-91
Beck-Hand	2945-00--16-93	3065-00--17-61	3190-00--18-33
Ferry-Operator-I	3070-00--17-64	3190-00--18-33	3315-00--19-05
Ferry-Operator-II	3120-00--17-93	3240-00--18-62	3365-00--19-34
Highway-Mainten-	3169-00--18-21	3289-00--18-90	3414-00--19-62
ance-Head-Worker			
Highway-Mainten-	3186-40--18-31	3332-50--19-15	3483-60--20-02
ance-Head-Worker			
(Bridge-Grew)			
Highway-Mainten-	3219-00--18-50	3339-00--19-19	3464-00--19-91
ance-Head-Worker			
(Bead-Head-Worker)			
Highway-Maintainer	3040-00--17-47	3160-00--18-16	3285-00--18-88
Highway-Maintainer	3052-40--17-57	3203-50--18-41	3354-60--19-28
(Bridge-Grew)			
Janitor-I	2747-00--15-79	2867-00--16-48	2992-00--17-20
(including-Office-of			
Administration)			
Janitor-II	2778-00--15-97	2898-00--16-66	3023-00--17-37
(including-Office-of			
Administration)			
Laborer-(Mainten-	2940-00--16-94	3060-00--17-63	3193-00--18-35
ance)			
Labor-Mainten-	3004-00--17-26	3124-00--17-95	3249-00--18-67
ance-Head-Worker			
Maintenance-Worker	2984-00--17-15	3104-00--17-84	3229-00--18-56
(including-Office-of			
Administration)			
Power-Shovel	3139-00--18-04	3259-00--18-73	3384-00--19-45
Operator-(Maintenance)			
Power-Shovel	3156-40--18-14	3302-50--18-98	3453-60--19-85
Operator-(Maintenance)			
(Bridge-Grew)			
Security-Guard-I	2774-00--15-94	2894-00--16-63	3019-00--17-35
(including-Office-of			
Administration)			
Security-Guard-II	2822-00--16-22	2942-00--16-91	3067-00--17-63
(including-Office-of			
Administration)			
Silk-Screen	3144-00--18-07	3264-00--18-76	3389-00--19-48

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Operator

B) Department of Central Management Services---Division of--Vehicles---Downstate---(All--Counties--Other--Than--Cook--DuPage--Kane--Kankakee--Kendall--McHenry--and--Will)	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Janitor-I	2747-00--15-79	2867-00--16-48	2992-00--17-20
Janitor-II	2778-00--15-97	2898-00--16-66	3023-00--17-37
Maintenance-Equip-	3040-00--17-47	3160-00--18-16	3285-00--18-88
ment-Operator-(all-divisions)			
Maintenance-Worker	2984-00--17-15	3104-00--17-84	3229-00--18-56
Security-Guard-I	2774-00--15-94	2894-00--16-63	3019-00--17-35
Security-Guard-II	2822-00--16-22	2942-00--16-91	3067-00--17-63
C) Department of Mental Health and Developmental Disabilities---Bineoin Developmental Center	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Laborer-(Maintenance)	2940-00--16-94	3060-00--17-63	3193-00--18-35
D) Departments--of--Children and Family Services--Corrections--Employment Security--Mental Health and Developmental--Disabilities--Public Aid Rehabilitation Services--State Police--Veterans--Affairs--Downstate--(All--Counties--Other--Than--Cook--DuPage--Kane--Kankakee--Kendall--McHenry--and--Will)	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Maintenance-Equip-	3040-00--17-47	3160-00--18-16	3285-00--18-88
ment-Operator			
E) Department of Transportation---Division of Highways---Emergency Patrol--District--#8	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Highway-Maintainer	3115-00--17-90	3245-00--18-65	3385-00--19-45
Highway-Mainten-	3244-00--18-64	3374-00--19-39	3514-00--20-20
ance-Head-Worker			
F) Department of Natural Resources	July-17-1994	July-17-1995	July-17-1996
	Mo- Hr-	Mo- Hr-	Mo- Hr-
Power-Shovel	3139-00--18-04	3259-00--18-73	3384-00--19-45
(Maintenance)			
Department of Transportation - Division of Highways - Downstate - (All			







## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## F) Department of Transportation - Division of Highways - Emergency Patrol - District #8

	July 1, 1997	July 1, 1998	July 1, 1999
Mo.			
Highway Maintainer	3385.00	3490.00	3605.00
(New Hire 7/1/97-6/30/98)	19.45	20.06	20.72
	2539.00	2814.00	3099.00
(New Hire 7/1/98-6/30/99)	14.59	16.17	17.81
Highway Maintenance		2618.00	2908.00
(New Hire 7/1/99-6/30/2000)		15.05	16.71
		2704.00	3000.00
Lead Worker	3514.00	3619.00	3734.00
(New Hire 7/1/99-6/30/2000)	20.20	20.80	21.46
Highway Maintenance			
(Lead Worker)	3539.00	3644.00	3759.00
	20.34	20.94	21.60

## G) Department of Natural Resources

	July 1, 1997	July 1, 1998	July 1, 1999
Mo.			
Power Shovel Operator	3384.00	3489.00	3604.00
(Maintenance)	19.45	20.05	20.71

NOTE: Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565, effective July 1, 1997.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310. TABLE S HR-012 (Fair Employment Practices Employees, SEIU)

Effective July 17, 1994

	1	2	3	4	5	6	7
ACCOUNT-TECHNICIAN-I	1776	1853	1920	1993	2063	2130	2256
ACCOUNT-TECHNICIAN-II	1942	2024	2100	2187	2267	2353	2484
BATA-PROCESSING-ASSISTANT	1592	1647	1705	1763	1820	1881	1982
BATA-PROCESSING-OPERATOR	1441	1490	1530	1582	1635	1680	1766
BATA-PROCESSING-OPERATOR-TRAINEE	1364	1401	1441	1489	1532	1574	1647
HUMAN-RIGHTS-INVESTIGATOR-I	2124	2216	2309	2412	2504	2601	2751
HUMAN-RIGHTS-INVESTIGATOR-II	2330	2430	2549	2655	2766	2877	3047
HUMAN-RIGHTS-INVESTIGATOR-III	2444	2561	2680	2792	2906	3024	3204
HUMAN-RIGHTS-SPECIALIST-I	2124	2216	2309	2412	2504	2601	2751
HUMAN-RIGHTS-SPECIALIST-II	2330	2430	2549	2655	2766	2877	3047
OFFICE-AIDE	1364	1401	1441	1489	1532	1574	1647
OFFICE-ASSISTANT	1540	1592	1644	1700	1753	1810	1901
OFFICE-ASSOCIATE	1647	1710	1771	1838	1897	1962	2066
OFFICE-CLERK	1441	1490	1530	1582	1635	1680	1766
OFFICE-COORDINATOR	1710	1774	1843	1909	1981	2049	2155
TECHNICAL-ADVISOR-I	2576	2702	2827	2955	3077	3199	3389
TECHNICAL-ADVISOR-III	3030	3186	3340	3495	3654	3806	4043

NOTE: Effective July 17, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained 10 years of continuous service and have 3 years of creditable service on Step 7 in the same pay grade.

Also effective July 17, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained 15 years of continuous service and have 3 years of creditable service on Step 7 in the same pay grade.

Effective July 17, 1995

	1	2	3	4	5	6	7
ACCOUNT-TECHNICIAN-I	1829	1909	1970	2053	2125	2202	2324
ACCOUNT-TECHNICIAN-II	2000	2085	2163	2253	2325	2424	2559
BATA-PROCESSING-ASSISTANT	1640	1696	1756	1816	1875	1937	2041
BATA-PROCESSING-OPERATOR	1404	1435	1504	1629	1684	1730	1819
BATA-PROCESSING-OPERATOR-TRAINEE	1405	1443	1484	1534	1578	1621	1696
HUMAN-RIGHTS-INVESTIGATOR-I	2100	2282	2370	2484	2579	2679	2834
HUMAN-RIGHTS-INVESTIGATOR-II	2400	2511	2625	2735	2849	2963	3130
HUMAN-RIGHTS-INVESTIGATOR-III	2517	2630	2760	2876	2993	3115	3300
HUMAN-RIGHTS-SPECIALIST-I	2100	2282	2370	2484	2579	2679	2834
HUMAN-RIGHTS-SPECIALIST-II	2400	2511	2625	2735	2849	2963	3130



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

	1405	1443	1404	1534	1578	1621	1696
OFFICE-AIDE	1405	1443	1404	1534	1578	1621	1696
OFFICE-ASSISTANT	1506	1640	1693	1751	1806	1864	1958
OFFICE-ASSOCIATE	1696	1761	1824	1893	1954	2021	2128
OFFICE-CLERK	1404	1435	1504	1629	1684	1730	1819
OFFICE-COORDINATOR	1761	1827	1898	1966	2040	2110	2220
TECHNICAL-ADVISOR-II	2653	2703	2912	3044	3169	3295	3491
TECHNICAL-ADVISOR-III	3121	3202	3440	3600	3764	3920	4164

Effective July 1, 1997 July 1-1996

	1	2	3	4	5	6	7
ACCOUNT TECHNICIAN I	1884	1966	2037	2115	2189	2268	2394
ACCOUNT TECHNICIAN II	2060	2148	2228	2321	2405	2497	2636
DATA PROCESSING ASSISTANT	1689	1747	1809	1870	1931	1995	2102
DATA PROCESSING OPERATOR	1529	1581	1632	1678	1735	1782	1874
DATA PROCESSING OPERATOR TRAINEE	1447	1486	1529	1580	1625	1670	1747
HUMAN RIGHTS INVESTIGATOR I	2254	2350	2449	2559	2656	2759	2919
HUMAN RIGHTS INVESTIGATOR II	2472	2586	2704	2817	2934	3052	3232
HUMAN RIGHTS INVESTIGATOR III	2593	2717	2843	2962	3083	3208	3399
HUMAN RIGHTS SPECIALIST I	2254	2350	2449	2559	2656	2759	2919
HUMAN RIGHTS SPECIALIST II	2472	2586	2704	2817	2934	3052	3232
OFFICE AIDE	1447	1486	1529	1580	1625	1670	1747
OFFICE ASSISTANT	1634	1689	1744	1804	1860	1920	2017
OFFICE ASSOCIATE	1747	1814	1879	1950	2013	2082	2192
OFFICE CLERK	1529	1581	1632	1678	1735	1782	1874
OFFICE COORDINATOR	1814	1882	1955	2025	2101	2173	2287
TECHNICAL ADVISOR II	2733	2866	2999	3135	3264	3394	3596
TECHNICAL ADVISOR III	3215	3380	3543	3708	3877	4038	4289

NOTE: Full-time employees will receive a one-time \$565 cash bonus.

Effective July 1, 1998

	1	2	3	4	5	6	7
Account Technician I	1941	2025	2098	2178	2255	2336	2466
Account Technician II	2122	2212	2295	2391	2477	2572	2715
Data Processing Assistant	1740	1799	1863	1926	1989	2055	2165
Data Processing Operator	1575	1628	1681	1728	1787	1835	1930
Data Processing Operator Trainee	1490	1531	1575	1627	1674	1720	1799
Human Rights Investigator I	2425	2537	2647	2755	2868	2975	3152
Human Rights Investigator II	2671	2799	2928	3051	3175	3304	3501
Human Rights Investigator III	2815	2952	3089	3229	3362	3496	3704
Human Rights Specialist I	2322	2421	2522	2636	2736	2842	3007
Human Rights Specialist II	2546	2664	2785	2902	3022	3144	3329
Office Aide	1490	1531	1575	1627	1674	1720	1799
Office Assistant	1683	1740	1796	1858	1916	1978	2078

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

	1799	1868	1935	2009	2073	2144	2258
Office Associate	1799	1868	1935	2009	2073	2144	2258
Office Clerk	1575	1628	1681	1728	1788	1835	1930
Office Coordinator	1868	1938	2014	2086	2164	2238	2356
Technical Advisor II	3815	2952	3089	3229	3362	3496	3704
Technical Advisor III	3311	3481	3649	3819	3993	4159	4418

Effective July 1, 1999

	1	2	3	4	5	6	7
Account Technician I	1999	2086	2161	2243	2323	2406	2540
Account Technician II	2186	2278	2364	2463	2551	2649	2796
Data Processing Assistant	1792	1853	1919	1984	2049	2117	2230
Data Processing Operator	1622	1677	1731	1780	1841	1890	1988
Data Processing Operator Trainee	1535	1577	1622	1676	1724	1772	1853
Human Rights Investigator I	2498	2613	2726	2838	2954	3064	3247
Human Rights Investigator II	2751	2883	3016	3143	3270	3403	3606
Human Rights Investigator III	2899	3041	3182	3326	3463	3601	3815
Human Rights Specialist I	2392	2494	2598	2715	2818	2927	3097
Human Rights Specialist II	2622	2744	2869	2989	3113	3238	3429
Office Aide	1535	1577	1622	1676	1724	1772	1853
Office Assistant	1733	1792	1850	1914	1973	2037	2140
Office Associate	1853	1924	1993	2069	2135	2208	2326
Office Clerk	1622	1677	1731	1780	1841	1890	1988
Office Coordinator	1924	1996	2074	2149	2229	2305	2427
Technical Advisor II	2899	3041	3182	3326	3463	3601	3815
Technical Advisor III	3410	3585	3758	3934	4113	4284	4551

(Source: Amended at 22 Ill. Reg.

effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section 310. TABLE V CU-500 (Corrections Meet and Confer Employees)

Effective July 1, 1997

	S T E P S				
	1c	1b	1a	1	2
Commissary Manager II	1647	1696	1747	1799	1868
Correctional Casework Supervisor	2870	2956	3045	3136	3293
Correctional Lieutenant	2576	2653	2733	2815	2952
Corrections Clerk III	2330	2400	2472	2546	2664
Corrections Food Service Supervisor III	2576	2653	2733	2815	2952
Corrections Identification Supervisor	2444	2517	2593	2671	2799
Corrections Industry Supervisor	2576	2653	2733	2815	2952
Correctional Laundry Manager II	2444	2517	2593	2671	2799
Corrections Maintenance Supervisor	2330	2400	2472	2546	2664
Corrections Residence Counselor II	2330	2400	2472	2546	2664
Corrections Supply Supervisor III	2576	2653	2733	2815	2952
Property And Supply Clerk III	1647	1696	1747	1799	1868
Storekeeper III	2026	2087	2150	2215	2307
Youth Supervisor IV	2576	2653	2733	2815	2952
	S T E P S				
	3	4	5	6	7
1935	2009	2073	2144	2258	
3448	3611	3767	3922	4162	
3089	3229	3362	3496	3704	
2785	2902	3022	3144	3329	
3089	3229	3362	3496	3704	
2928	3051	3175	3304	3501	
3089	3229	3362	3496	3704	
2928	3051	3175	3304	3501	
2785	2902	3022	3144	3329	
3089	3229	3362	3496	3704	
1935	2009	2073	2144	2258	
2406	2504	2598	2698	2851	
3089	3229	3362	3496	3704	

Effective July 1, 1998

## S T E P S

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

	S T E P S				
	1c	1b	1a	1	2
Commissary Manager II	1748	1798	1851	1904	1976
Correctional Casework Supervisor	3008	3096	3189	3282	3443
Correctional Lieutenant	2705	2784	2866	2951	3092
Corrections Clerk III	2451	2524	2598	2674	2795
Corrections Food Service Supervisor III	2705	2784	2866	2951	3092
Corrections Identification Supervisor	2569	2644	2722	2803	2934
Corrections Industry Supervisor	2705	2784	2866	2951	3092
Correctional Laundry Manager II	2569	2644	2722	2803	2934
Corrections Maintenance Supervisor	2451	2524	2598	2674	2795
Corrections Residence Counselor II	2451	2524	2598	2674	2795
Corrections Supply Supervisor III	2705	2784	2866	2951	3092
Property and Supply Clerk III	1748	1798	1851	1904	1976
Storekeeper III	2138	2201	2266	2333	2428
Youth Supervisor IV	2705	2784	2866	2951	3092
	S T E P S				
	3	4	5	6	7
2045	2121	2187	2260	2377	
3603	3771	3932	4091	4338	
3233	3377	3514	3652	3867	
2920	3041	3164	3290	3480	
3233	3377	3514	3652	3867	
3067	3194	3322	3455	3658	
3233	3377	3514	3652	3867	
3067	3194	3322	3455	3658	
2920	3041	3164	3290	3480	
3233	3377	3514	3652	3867	
2045	2121	2187	2260	2377	
2530	2631	2727	2830	2988	
3233	3377	3514	3652	3867	

Effective July 1, 1999

## S T E P S

	S T E P S				
	1c	1b	1a	1	2
Commissary Manager II	1800	1852	1907	1961	2035
Correctional Casework Supervisor	3098	3189	3284	3380	3546
Correctional Lieutenant	2786	2868	2952	3040	3185



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Corrections Clerk III	2525	2600	2676	2754	2879
Corrections Food Service Supervisor III	2786	2868	2952	3040	3185
Corrections Identification Supervisor	2646	2723	2804	2887	3022
Corrections Industry Supervisor	2786	2868	2952	3040	3185
Correctional Laundry Manager II	2646	2723	2804	2887	3022
Corrections Maintenance Supervisor	2525	2600	2676	2754	2879
Corrections Residence Counselor II	2525	2600	2676	2754	2879
Corrections Supply Supervisor III	2786	2868	2952	3040	3185
Property And Supply Clerk III	1800	1852	1907	1961	2035
Storekeeper III	2202	2267	2334	2403	2501
Youth Supervisor IV	2786	2868	2952	3040	3185

S T E P S

3	4	5	6	7
2106	2185	2253	2328	2448
3711	3884	4050	4214	4468
3330	3478	3619	3762	3983
3008	3132	3259	3389	3584
3330	3478	3619	3762	3983
3159	3290	3422	3559	3768
3330	3478	3619	3762	3983
3159	3290	3422	3559	3768
3008	3132	3259	3389	3584
3008	3132	3259	3389	3584
3330	3478	3619	3762	3983
2106	2185	2253	2328	2448
2606	2710	2809	2915	3078
3330	3478	3619	3762	3983

Maximum Security Institutions Schedule  
Effective July 1, 1999

1c	1b	1a	1	2
1906	1959	2016	2071	2140
3242	3336	3434	3533	3704
2921	3006	3092	3183	3332
2652	2730	2808	2888	3017
2921	3006	3092	3183	3332
2777	2856	2940	3025	3164

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Supervisor	2921	3006	3092	3183	3332
Corrections-Industry-Supervisor	2777	2856	2940	3025	3164
Correctional-Laundry-Manager II	2652	2730	2808	2888	3017
Corrections-Maintenance Supervisor	2652	2730	2808	2888	3017
Corrections-Residence Counselor-II	2921	3006	3092	3183	3332
Corrections-Supply-Supervisor III	1906	1959	2016	2071	2140
Property-And-Supply-Clerk-III	2320	2387	2456	2527	2620
Storekeeper-III	2921	3006	3092	3183	3332
Youth-Supervisor-IV	3	4	5	6	7
	2221	2302	2372	2449	2573
	3074	4052	4223	4392	4654
	3401	3634	3779	3926	4154
	3150	3277	3408	3542	3743
	3401	3634	3779	3926	4154
	3305	3440	3576	3717	3933
	3401	3634	3779	3926	4154
	3305	3440	3576	3717	3933
	3150	3277	3408	3542	3743
	3401	3634	3779	3926	4154
	2221	2302	2372	2449	2573
	2736	2843	2945	3054	3222
	3401	3634	3779	3926	4154
Commissary Manager II	1852	1903	1958	2013	2087
Correctional Casework Supervisor	3150	3240	3335	3432	3598
Correctional Lieutenant	2838	2919	3003	3091	3236
Corrections Clerk III	2576	2651	2727	2806	2930
Corrections Food Service Supervisor III	2838	2919	3003	3091	3236
Corrections Identification Supervisor	2698	2775	2855	2939	3074
Corrections Industry Supervisor	2838	2919	3003	3091	3236
Correctional Laundry Manager II	2698	2775	2855	2939	3074
Corrections Maintenance Supervisor	2576	2651	2727	2806	2930
Corrections Residence Counselor II	2576	2651	2727	2806	2930
Corrections Supply Supervisor III	2838	2919	3003	3091	3236
Property And Supply Clerk III	1852	1903	1958	2013	2087
Storekeeper III	2254	2319	2385	2454	2552

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## Youth Supervisor IV

2838	2919	3003	3091	3236
S T E P S				
3	4	5	6	7
2158	2236	2304	2379	2500
3763	3936	4101	4265	4520
3381	3530	3671	3813	4035
3059	3184	3310	3440	3636
3381	3530	3671	3813	4035
3211	3341	3473	3610	3819
3381	3530	3671	3813	4035
3211	3341	3473	3610	3819
3059	3184	3310	3440	3636
3059	3184	3310	3440	3636
3381	3530	3671	3813	4035
2158	2236	2304	2379	2500
2657	2761	2860	2966	3129
3381	3530	3671	3813	4035

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Proposed Action:  
302.310 Amend  
302.405 Amend  
302.Appendix B Repeal
- 4) Statutory Authority: 20 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved: The Department is eliminating the provision that reduces the monthly adoption assistance subsidy based on the income of adoptive parents' whose annual income exceeds \$75,000. Therefore, Section 302.310 is being amended to delete reference to consideration of the adoptive parents' income and Section 302.Appendix B, Calculating the Amount of Adoption Assistance, is being repealed. Section 302.405, Subsidized Guardianship, is also being amended because the method for calculating the monthly subsidized guardianship grant is the same as that for adoption assistance.
- 6) Will these proposed rules replace an emergency rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:  
  
Jerry B. Crabtree  
Department of Children and Family Services  
406 East Monroe, Station #65  
Springfield IL 62701-1498  
(217) 524-1983  
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted



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by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agenda because: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed amendments that are identical to the emergency amendments that appeared in Issue 17 of the Illinois Register on April 24, 1998 begin on the next page.

## DEPARTMENT OF CHILDREN FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 302

## SERVICES DELIVERED BY THE DEPARTMENT

## SUBPART A: GENERAL PROVISIONS

Section	
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

## SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance Agreements
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)

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302.400 Successor Guardianship (Repealed)  
 302.405 Subsidized Guardianship Program

## SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section Purpose  
 302.500 Implementation of the Family Preservation Act  
 302.510 Types of Intensive Family Preservation Services  
 302.520 Phase In Plan for Statewide Family Preservation Services  
 302.530 Time Frames  
 302.540

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)  
 APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May

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15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

## Section 302.310 Adoption Assistance Agreements

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents (~~to-g-r-r-parents--taxable-income~~) and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500.00 for each adopted child;
  - 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition~~s~~ whose onset has been established as occurring prior to the completion of the adoption;
  - 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care rate the child would be receiving if the child were in foster care ~~in accordance with the formula described in Appendix-B--Calculating the Amount of Adoption Assistance~~ and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payments will not be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level ~~as adjusted in accordance with Appendix-B~~.
- b) For purposes of this Section, a child shall not be considered a child



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with special needs unless the Department has first determined that:

- 1) the child cannot or should not be returned to the home of his or her parents, as determined by:
  - A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
  - B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and
- 2) the child meets one of the following criteria:
  - A) has an irreversible or non-correctable physical, mental or emotional disability; or
  - B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or
  - C) is three years of age or older; or
  - D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or
  - E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child ~~child(ren)~~ born of the same mother or father; and
- 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
- c) Adoption assistance as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500 per adoptive child. The adoptive parents may refuse any or all payments available under this

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subsection (c) of this Section.

- d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:
  - 1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and
  - 2) meets one of the following conditions:
    - A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 ~~June-17-1995~~; or
    - B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or
    - C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or
    - D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and
- 3) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.
- e) The Department shall determine whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, SSI, Veterans' benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts.
- f) In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the

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ongoing monthly payment shall in no event exceed \$25 less than the amount the child would receive if the child was in foster care at the time the payments are initiated as--adjusted--in--accordance--with Appendix-B-of-this-Part.

g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments calculated--in--accordance--with--Appendix--B--of--this--Part shall be reviewed at least every two years and may be readjusted every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payment will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337r (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.

h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be readjusted based on subsections (i) and (j) as--set--forth--in--Appendix--B-- In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.

j) The adoptive parent(s) shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:

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- 1) the child is no longer the legal responsibility of the adoptive parent(s);
- 2) the child is no longer receiving financial support from the adoptive parent(s);
- 3) the child no longer requires adoption assistance for the special needs for which adoption assistance was being provided;
- 4) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, Veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts; or
- 5) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments.

k) If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 302.405 Subsidized Guardianship Program

a) Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:

- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
  - 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the transfer of guardianship; and
  - 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below.
- b) When Subsidized Guardianship is Appropriate
- Subsidized guardianship is a program available for only those children who meet the following criteria.
- 1) The child must have been in the legal custody of the State for two years or more immediately prior to establishing subsidized guardianship.



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- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.
- 3) A child living in the home of a non-relative is not applicable for years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.
- 4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.
- 6) Adoption must have been ruled out as a permanency goal for the child.
- 7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1(a)].
- 8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.
- 9) The prospective guardian must have no record of any felony convictions.
- c) Responsibilities of the Private Subsidized Guardian
  - 1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
  - 2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:
    - A) the child is no longer the legal responsibility of the subsidized guardian;
    - B) the child is no longer receiving financial support from the subsidized guardian;

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- C) the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI) benefits, veteran's benefits, railroad retirement or black lung benefits, financial settlements, payments, inheritance or gifts;
- D) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or
- E) there is a change of address.
- d) Responsibilities of Department
  - 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:
    - A) the wishes of the child's prospective subsidized guardian;
    - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
    - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
    - D) the child's adjustment to the present home, school, and community;
    - E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
    - F) the mental and physical health of all individuals involved.
  - 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.
  - 3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 3017 (Placement and Visitation Services) when making placements under the subsidized guardianship program.
  - 4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.
  - 5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.
  - 6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.

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- 7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.
- 8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337. [Service Appeal Process].
- 9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- 10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e)7 [Subsidy for Subsidized Guardianship].
- e) Subsidy for the Subsidized Guardianship Program
  - 1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in an amount not to exceed the amount of the foster care payment the child would be receiving if the child were in foster care. ~~on an individual basis in accordance with the formula described in Appendix B of this part.~~
  - 2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments ~~calculated in accordance with Appendix B of this Part~~ shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently ~~using the formula in Appendix B~~. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.
  - 3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.
  - 4) The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.
- 5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.
  - f) Demonstration and Cost Neutrality Groups
 

Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

    - 1) the Cook Central Region.
    - 2) the East St. Louis sub-region serving the following counties:
      - A) Madison;
      - B) St. Clair;
      - C) Bond;
      - D) Clinton;
      - E) Washington;
      - F) Monroe; and
      - G) Randolph.
    - 3) the Peoria sub-region serving the following counties:
      - A) Fulton;
      - B) Henderson;
      - C) Knox;
      - D) Warren;
      - E) Henry;
      - F) LaSalle;
      - G) McDonough;
      - H) Mercer;
      - I) Rock Island;



DEPARTMENT OF CHILDREN FAMILY SERVICES  
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- J) Tazewell;
- K) Woodford;
- L) Peoria;
- M) Bureau;
- N) Marshall;
- O) Putnam; and
- P) Stark.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CHILDREN FAMILY SERVICES  
NOTICE OF PROPOSED AMENDMENTS

Section 302.APPENDIX B Calculating the Amount of Adoption Assistance  
(Repealed)

- a) The monthly adoption assistance subsidy shall not be greater than the applicable licensed foster family care payment level. The maximum amount of the monthly adoption assistance subsidy will increase whenever the child reaches ages one, five, nine, and 12 (except for specialized rates), and whenever a cost of living increase in the foster care rates is granted.
- b) The monthly adoption assistance subsidy shall be reduced based on a graduated income scale starting with the adoptive parents' annual taxable income of \$75,000 (after all deductions have been made on their Federal Income Tax return and after the verified costs associated with any post-secondary education or training have been deducted) in accordance with the chart below:

Taxable Family Income	Percentage of Full Adoption Subsidy Rate
Up to \$74,999	100%
\$75,000--79,999	95%
\$80,000--84,999	90%
\$85,000--89,999	85%
\$90,000--94,999	80%
\$95,000--99,999	75%
\$100,000--104,999	70%
\$105,000--109,999	65%
\$110,000--114,999	60%
\$115,000--119,999	55%
over \$120,000	50%

If adoptive parents fail or refuse to submit documentation of their income, the amount of the adoption assistance will be reduced to 50 percent of the adoption subsidy rate.

- c) The monthly adoption assistance subsidy will be reduced by the amount of benefits paid on behalf of the child, such as SSI, Veteran's Railroad Retirement, Black-Bung, or when other income is received for the child.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities

2) Code Citation: 50 Ill. Adm. Code 909

3) Section Numbers: 909.20  
Proposed Action: Amended

4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426 and 502].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending the definition of disciplined current scale and illustrated scale in Part 909 to be consistent with the definition of disciplined current scale and illustrated scale contained in 50 Ill. Adm. Code 1406.

6) Will this proposed amendment replace emergency rule currently in effect?  
No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout	Mary Meyer
Assistant Chief Counsel	Paralegal
Department of Insurance	Department of Insurance
320 West Washington	320 West Washington
(or)	
Springfield, IL 62767	Springfield, IL 62767
(217) 785-2867	(217) 782-8220

12) Initial Regulatory Flexibility Analysis:

A Types of small business, small municipalities and not for profit corporations affected: None

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this amendment was summarized: This amendment was not included on either of the two most recent agendas because: The inconsistency of the definitions was not discovered in time to appear on the most recent regulatory agenda.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 909

ADVERTISING AND SALES PROMOTION OF  
LIFE INSURANCE AND ANNUITIES

## Section

909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Form and Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements About an Insurer
909.90	Enforcement Procedures
909.100	Penalties
909.110	Conflict with Other Rules
909.120	Severability Provision

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426, and 502].

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990; amended at 15 Ill. Reg. 15665, effective October 18, 1991; amended at 22 Ill. Reg. 3027, effective June 1, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 909.20 Definitions

For the purpose of this Part:

Advertisement for the purpose of this Part shall not include:

Communications or materials used within an insurer's own organization and not intended for dissemination to the public;

Communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

A general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

Advertisement shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

Printed printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

Descriptive descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

Material material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

Prepared prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

Disciplined current scale means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. The standards established Further guidance in determining the disciplined current scale as contained in standards promulgated by the Actuarial Standards Board (ASB) (1720 I Street, N.W., 7th Floor, Washington, D.C. 20006) (Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation as of December 1995, no subsequent dates or editions) may be relied upon if the standards:

Are are consistent with all provisions of this Part;

Limit limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;

Do do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and

## DEPARTMENT OF INSURANCE

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Do ~~do~~ not permit assumed expenses to be less than minimum assumed expenses.

Illustrated scale means a scale of non-guaranteed elements, currently being illustrated for policies other than variable life insurance, individual and group annuity contracts, credit life insurance, or ~~and~~ life insurance policies and certificates with guaranteed death benefits of \$10,000 or less, or ~~no~~ illustrated death benefits less than \$15,000 ~~on--any--individuals--exceeding--\$10,000~~, that is not more favorable to the policy owner than the lesser of:

~~The~~ the disciplined current scale; or

~~The~~ the currently payable scale.

Insurer shall include any organization or person which issues life insurance or annuities to residents of this State.

Non-guaranteed elements means premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue.

Policy shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

Preneed Funeral Contract or Prearrangement shall mean an arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Securities Custody Affidavit

2) Code Citation: 50 Ill. Adm. Code 4425

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4425.10	New Section
4425.20	New Section
4425.30	New Section
4425.40	New Section
4425.50	New Section
4425.60	New Section

4) Statutory Authority: Implementing Section 1-113.7 and authorized by Section 1-113.7 and 1-113.11 of the Illinois Pension Code [40 ILCS 5/1-113.7 and 1-113.11] (see P.A. 90-507, effective August 22, 1997).

5) A. Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide verification that dealers maintaining custody and possession of, or control over, the securities of a pension fund are in compliance with the requirements of Section 1-113.7 of the Illinois Pension Code [40 ILCS 5/1-113.7] (see P.A. 90-507, effective August 22, 1997), and this Part. Verification shall take the form of a notarized affidavit provided to the pension fund on an annual basis pursuant to Section 4425.40 of this Part.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rule contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? Yes. Please see Section 4425.40.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This new rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James C. Rundblom Staff Attorney Department of Insurance 320 West Washington Springfield, IL 62767	(or)	Denise Hamilton Rules Unit Supervisor Department of Insurance 320 West Washington Springfield, IL 62767
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DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULES

(217) 785-8559 (217) 785-8560

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will not affect small municipalities, as that term is defined in Section 1-80 of the Illinois Administrative Procedure Act [5 ILCS 100/1-80].
- B) Reporting, bookkeeping or other procedures required for compliance: Please see Section 4425.50 of this Part.
- C) Types of professional skills necessary for compliance: Clerical and organizational skills will be necessary to comply with this Part.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the passage of HB 23.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER aaa: PENSIONS

PART 4425  
SECURITIES CUSTODY AFFIDAVIT

Section	Purpose
4425.10	Applicability
4425.20	Definitions
4425.30	Notarized Affidavit
4425.40	Pension Funds Bookkeeping and Records Requirement
4425.50	Penalties

AUTHORITY: Implementing Section 1-113.7, and authorized by Sections 1-113.7 and 1-113.11, of the Illinois Pension Code [40 ILCS 5/1-113.7 and 1-113.11] (see P.A. 90-507, effective August 22, 1997).

SOURCE: Adopted at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 4425.10 Purpose

The purpose of this Part is to provide verification that dealers maintaining custody and possession of, or control over, the securities of a pension fund are in compliance with the requirements of Section 1-113.7 of the Illinois Pension Code [40 ILCS 5/1-113.7] (see P.A. 90-507, effective August 22, 1997), and this Part. Verification shall take the form of a notarized affidavit provided to the pension fund on an annual basis pursuant to Section 4425.40 of this Part.

Section 4425.20 Applicability

This Part shall apply to all pension funds established under Article 3 or 4 of the Illinois Pension Code [40 ILCS 5/Arts. 3 and 4].

Section 4425.30 Definitions

Accountant means an independent certified public accountant or accounting firm who is in good standing with the American Institute of CPAs and all states in which the accountant is licensed to practice.

Dealer means a person, other than a natural person, required to be registered as a broker or dealer with the Securities and Exchange Commission pursuant to Section 15(a) of the Securities Exchange Act of 1934 (15 U.S.C. 780(a)).

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Independent Accountant means an accountant who is not affiliated with the pension fund.

Limited Principal - Financial and Operations shall mean a person associated with a member whose duties include:

final approval and responsibility for the accuracy of financial reports submitted to any duly established securities industry regulatory body;

final preparation of such reports;

supervision of individuals who assist in the preparation of such reports;

supervision of and responsibility for individuals who are involved in the actual maintenance of the member's books and records from which such reports are derived;

supervision and/or performance of the member's responsibilities under all financial responsibility rules promulgated pursuant to the provisions of the Securities Exchange Act;

overall supervision of and responsibility for the individuals who are involved in the administration and maintenance of the member's back office operations; or

any other matter involving the financial and operational management of the member.

Pension Fund means all pension funds established under Article 3 or 4 of the Illinois Pension Code [40 ILCS 5/Arts. 3 and 4].

## Section 4425.40 Notarized Affidavit

When a pension fund has entered into a custodial arrangement with a dealer, for the safekeeping of the pension fund's securities investments, on or before the dealer takes possession of or control of the securities, the pension fund shall obtain from the dealer a notarized affidavit, signed by a financial operations principal of the dealer. So long as such custodial arrangement is maintained, the dealer shall continue to provide the pension fund with a notarized affidavit by April 30th for each succeeding year. The notarized affidavit shall include, but not be limited to the following:

- a) A statement that the dealer is a registered broker-dealer with the U.S. Securities and Exchange Commission and is a member in good standing with the National Association of Securities Dealers; and
- 1) With respect to securities that are not issued only in book-entry form:

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- A) All such securities of each pension fund are either held in safekeeping in a place reasonably free from risk of destruction or held in custody by a securities depository that is a "clearing agency" registered with the U.S. Securities and Exchange Commission;
- B) The dealer is a member in good standing with the Securities Investor Protection Corporation;
- C) The dealer will send to each pension fund, no less frequently than each calendar quarter, an itemized statement showing the moneys and securities in the custody or possession of the dealer at the end of such period; and
- D) An independent certified public accountant conducts an audit of the dealer, no less frequently than once each calendar year, that reviews the dealer's internal accounting controls and procedures for safeguarding securities; and
- 2) With respect to securities that are issued in book-entry form:
  - A) All such securities of each fund are held either in a securities depository that is a "clearing agency" registered with the U.S. Securities Exchange Commission or in a bank that is a member of the Federal Reserve System;
  - B) The dealer records the ownership interest of the funds in such securities on the broker-dealer's books and records;
  - C) The dealer is a member in good standing with the Securities Investor Protection Corporation;
  - D) The dealer will send to each pension fund, no less frequently than each calendar quarter, an itemized statement showing the moneys and securities in the custody or possession of the dealer at the end of such period; and
  - E) The dealer's balance sheet containing a statement of required net capital computed in accordance with Rule 15c3-1 (17 C.F.R. 240.15c3-1), under the Securities Exchange Act of 1934, is audited annually by an independent certified public accountant, and the dealer's most recent audited balance sheet is furnished to each pension fund.
- b) Representations that the dealer is:
  - 1) Not authorized to act as an investment adviser for the pension fund; and
  - 2) Not a natural person; and
  - 3) In compliance with the provisions of Rule 15c3-3(b) (17 C.F.R. 240.15c3-3(b)) under the Securities Exchange Act of 1934.
- c) A certified copy of the dealer's most recent audited balance sheet, including the required net capital computation.

## Section 4425.50 Pension Funds Bookkeeping and Records Requirement

Each pension fund engaged in a custodial arrangement with a dealer shall maintain a copy of the affidavit required by Section 4425.40 of this Part as a part of the pension fund's books and records.



## DEPARTMENT OF INSURANCE

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**Section 4425.60 Penalties**

If a pension fund fails to meet the requirements of this Part, such pension fund shall be subject to the penalty provisions set forth in 50 Ill. Adm. Code 4435.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: Proposed Action:  
211.7150 Amended

4) Statutory Authority: 415 ILCS 5/9.1 and 27

5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this regulation may be found in the Board's opinion and order of April 16, 1998, docketed by the Board as R98-17, which is available from the address specified in number 11 below. The present amendments mirror USEPA's amendments to the definition of volatile organic material (VOM) (62 Fed. Reg. 44900 (August 25, 1997) and 63 Fed. Reg. 17331 (April 9, 1998)). Specifically, the amendments add sixteen compounds to the list of chemical species that are exempted from the definition of VOM, and, hence, are exempted from regulation for the control of tropospheric ozone precursors. For a full list of the aforementioned sixteen chemicals, see page 2 of the Board's April 16, 1998, opinion and order. In addition, the amendments add methyl acetate to the list of compounds excluded from the definition of VOM.

Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to second notice review by JCAR.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking is a regulatory relaxation. It does not impose any requirements on local government, so no expenditure from local revenues will be necessary.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-17 and be sent to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street

## POLLUTION CONTROL BOARD

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Suite 11-500  
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Amy Muran Felton at 312-814-7011.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Any small business that uses the aforementioned exempted chemicals, commonly used as refrigerants, aerosol propellant blowing agents, fire extinguishants, or solvents.
- B) Reporting, bookkeeping, or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.240	Adhesion Promoter
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.590	Asphalt Prime Coat	
211.610	Automobile	
211.630	Automobile or Light-Duty Truck Assembly	Source or Automobile or
	Light-Duty Truck Manufacturing Plant	
211.650	Automobile or Light-Duty Truck Refinishing	
211.660	Automotive/Transportation Plastic Parts	
211.670	Baked Coatings	
211.680	Bakery Ovens	
211.685	Basecoat/Clearcoat System	
211.690	Batch Loading	
211.695	Batch Operation	
211.696	Batch Process Train	
211.710	Bead-Dipping	
211.730	Binders	
211.750	British Thermal Unit	
211.770	Brush or Wipe Coating	
211.790	Bulk Gasoline Plant	
211.810	Bulk Gasoline Terminal	
211.820	Business Machine Plastic Parts	
211.830	Can	
211.850	Can Coating	
211.870	Can Coating Line	
211.890	Capture	
211.910	Capture Device	
211.930	Capture Efficiency	
211.950	Capture System	
211.970	Certified Investigation	
211.980	Chemical Manufacturing Process Unit	
211.990	Choke Loading	
211.1010	Clean Air Act	
211.1050	Cleaning and Separating Operation	
211.1070	Cleaning Materials	
211.1090	Clear Coating	
211.1110	Clear Topcoat	
211.1130	Closed Purge System	
211.1150	Closed Vent System	
211.1170	Coal Refuse	
211.1190	Coating	
211.1210	Coating Applicator	
211.1230	Coating Line	
211.1250	Coating Plant	
211.1270	Coil Coating	
211.1290	Coil Coating Line	
211.1310	Cold Cleaning	
211.1330	Complete Combustion	
211.1350	Component	
211.1370	Concrete Curing Compounds	
211.1390	Concentrated Nitric Acid Manufacturing Process	

POLLUTION CONTROL BOARD

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211.1410	Condensate	
211.1430	Condensible PM-10	
211.1465	Continuous Automatic Stoking	
211.1467	Continuous Coater	
211.1470	Continuous Process	
211.1490	Control Device	
211.1510	Control Device Efficiency	
211.1520	Conventional Air Spray	
211.1530	Conventional Soybean Crushing Source	
211.1550	Conveyorized Degreasing	
211.1570	Crude Oil	
211.1590	Crude Oil Gathering	
211.1610	Crushing	
211.1630	Custody Transfer	
211.1650	Cutback Asphalt	
211.1670	Daily-Weighted Average VOM Content	
211.1690	Day	
211.1710	Degreaser	
211.1730	Delivery Vessel	
211.1750	Dip Coating	
211.1770	Distillate Fuel Oil	
211.1780	Distillation Unit	
211.1790	Drum	
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	
211.1830	Dump-Pit Area	
211.1850	Effective Grate Area	
211.1870	Effluent Water Separator	
211.1875	Elastomeric Materials	
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding	
211.1890	Coatings 'tfh,11 211.1885 Electronic Component	
211.1900	Electrostatic Bell or Disc Spray	
211.1910	Electrostatic Prep Coat	
211.1910	Electrostatic Spray	
211.1920	Emergency or Standby Unit	
211.1930	Emission Rate	
211.1950	Emission Unit	
211.1970	Enamel	
211.1990	Enclose	
211.2010	End Sealing Compound Coat	
211.2030	Enhanced Under-the-Cup Fill	
211.2050	Ethanol Blend Gasoline	
211.2070	Excess Air	
211.2090	Excessive Release	
211.2110	Existing Grain-Drying Operation (Repealed)	
211.2130	Existing Grain-Handling Operation (Repealed)	
211.2150	Exterior Base Coat	
211.2170	Exterior End Coat	
211.2190	External Floating Roof	

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211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operating Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator

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211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment



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211.3930	Monitor	211.4750	Plasticizers
211.3950	Monomer	211.4770	PM-10
211.3960	Motor Vehicles	211.4790	Pneumatic Rubber Tire Manufacture
211.3965	Motor Vehicle Refinishing	211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.3970	Multiple Package Coating	211.4830	Polyester Resin Material(s)
211.3990	New Grain-Drying Operation (Repealed)	211.4850	Polyester Resin Products Manufacturing Process
211.4010	New Grain-Handling Operation (Repealed)	211.4870	Polystyrene Plant
211.4030	No Detectable Volatile Organic Material Emissions	211.4890	Polystyrene Resin
211.4050	Non-Contact Process Water Cooling Tower	211.4910	Portable Grain-Handling Equipment
211.4055	Non-Flexible Coating	211.4930	Portland Cement Manufacturing Process Emission Source
211.4065	Non-Heatset	211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4070	Offset	211.4970	Potential to Emit
211.4090	One Hundred Percent Acid	211.4990	Power Driven Fastener Coating
211.4110	One-Turn Storage Space	211.5010	Precoat
211.4130	Opacity	211.5030	Pressure Release
211.4150	Opaque Stains	211.5050	Pressure Tank
211.4170	Open Top Vapor Degreasing	211.5060	Pressure/Vacuum Relief Valve
211.4190	Open-Ended Valve	211.5061	Pretreatment Wash Primer
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	211.5065	Primary Product
211.4230	Organic Compound	211.5070	Prime Coat
211.4250	Organic Material and Organic Materials	211.5080	Primer Sealer
211.4260	Organic Solvent	211.5090	Primer Surfacer Coat
211.4270	Organic Vapor	211.5110	Primer Surfacer Operation
211.4290	Oven	211.5130	Primers
211.4310	Overall Control	211.5150	Printing
211.4330	Overvarnish	211.5170	Printing Line
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.5185	Process Emission Source
211.4370	Owner or Operator	211.5190	Process Emission Unit
211.4390	Packaging Rotogravure Printing	211.5210	Process Unit
211.4410	Packaging Rotogravure Printing Line	211.5230	Process Unit Shutdown
211.4430	Pail	211.5245	Process Vent
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant	211.5250	Process Weight Rate
211.4470	Paper Coating	211.5270	Production Equipment Exhaust System
211.4490	Paper Coating Line	211.5310	Publication Rotogravure Printing Line
211.4510	Particulate Matter	211.5330	Purged Process Fluid
211.4530	Parts Per Million (Volume) or PPM (Vol)	211.5340	Rated Heat Input Capacity
211.4550	Person	211.5350	Reactor
211.4590	Petroleum	211.5370	Reasonably Available Control Technology (RACT)
211.4610	Petroleum Liquid	211.5390	Reclamation System
211.4630	Petroleum Refinery	211.5410	Refiner
211.4650	Pharmaceutical	211.5430	Refinery Fuel Gas
211.4670	Pharmaceutical Coating Operation	211.5450	Refinery Fuel Gas System
211.4690	Photochemically Reactive Material	211.5470	Refinery Unit or Refinery Process Unit
211.4710	Pigmented Coatings	211.5480	Reflective Argon Coating
211.4730	Plant	211.5490	Refrigerated Condenser
211.4740	Plastic Part	211.5500	Regulated Air Pollutant
		211.5510	Reid Vapor Pressure
		211.5530	Repair

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211.4750	Plasticizers	211.5370	Reasonably Available Control Technology (RACT)
211.4770	PM-10	211.5390	Reclamation System
211.4790	Pneumatic Rubber Tire Manufacture	211.5410	Refiner
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process	211.5430	Refinery Fuel Gas
211.4830	Polyester Resin Material(s)	211.5450	Refinery Fuel Gas System
211.4850	Polyester Resin Products Manufacturing Process	211.5470	Refinery Unit or Refinery Process Unit
211.4870	Polystyrene Plant	211.5480	Reflective Argon Coating
211.4890	Polystyrene Resin	211.5490	Refrigerated Condenser
211.4910	Portable Grain-Handling Equipment	211.5500	Regulated Air Pollutant
211.4930	Portland Cement Manufacturing Process Emission Source	211.5510	Reid Vapor Pressure
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant	211.5530	Repair
211.4970	Potential to Emit		
211.4990	Power Driven Fastener Coating		
211.5010	Precoat		
211.5030	Pressure Release		
211.5050	Pressure Tank		
211.5060	Pressure/Vacuum Relief Valve		
211.5061	Pretreatment Wash Primer		
211.5065	Primary Product		
211.5070	Prime Coat		
211.5080	Primer Sealer		
211.5090	Primer Surfacer Coat		
211.5110	Primer Surfacer Operation		
211.5130	Primers		
211.5150	Printing		
211.5170	Printing Line		
211.5185	Process Emission Source		
211.5190	Process Emission Unit		
211.5210	Process Unit		
211.5230	Process Unit Shutdown		
211.5245	Process Vent		
211.5250	Process Weight Rate		
211.5270	Production Equipment Exhaust System		
211.5310	Publication Rotogravure Printing Line		
211.5330	Purged Process Fluid		
211.5340	Rated Heat Input Capacity		
211.5350	Reactor		
211.5370	Reasonably Available Control Technology (RACT)		
211.5390	Reclamation System		
211.5410	Refiner		
211.5430	Refinery Fuel Gas		
211.5450	Refinery Fuel Gas System		
211.5470	Refinery Unit or Refinery Process Unit		
211.5480	Reflective Argon Coating		
211.5490	Refrigerated Condenser		
211.5500	Regulated Air Pollutant		
211.5510	Reid Vapor Pressure		
211.5530	Repair		

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211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine

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211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)



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211.7130 Volatile Organic Material Content (VOMC)  
211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)  
211.7170 Volatile Petroleum Liquid  
211.7190 Wash Coat  
211.7200 Washoff Operations  
211.7210 Wastewater (Oil/Water) Separator  
211.7230 Weak Nitric Acid Manufacturing Process  
211.7250 Web  
211.7270 Wholesale Purchase - Consumer  
211.7290 Wood Furniture  
211.7310 Wood Furniture Coating  
211.7330 Wood Furniture Coating Line  
211.7350 Woodworking  
211.7400 Yeast Percentage

APPENDIX A Rule into Section Table  
APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21,

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R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

methane;  
ethane;  
methylene chloride (dichloromethane);  
1,1,1-trichloroethane (methyl chloroform);  
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);  
trichlorofluoromethane (CFC-11);  
dichlorodifluoromethane (CFC-12);  
chlorodifluoromethane (CFC-22);  
trifluoromethane (HFC-23);  
difluoromethane (HFC-32);  
ethylfluoride (HFC-161);  
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);  
chloropentafluoroethane (CFC-115);  
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);  
1,1,1,2-tetrafluoroethane (HFC-134a);  
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);  
1,1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

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- 1,1,2,2,3-pentafluoropropane (HFC-245ca);  
 1,1,2,3,3-pentafluoropropane (HFC-245ea);  
 1,1,1,2,2-pentafluoropropane (HFC-245eb);  
 1,1,1,3,3-pentafluoropropane (HFC-245fa);  
 1,1,3,3,3-pentafluorobutane (HFC-365mfc);  
 chlorofluoromethane (HFC-31);  
 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  
 1,1-dichloro-1-fluoroethane (HCFC-141b);  
 1-chloro-1,1-difluoroethane (HCFC-142b);  
 2-chloro-1,1,2-tetrafluoroethane (HCFC-124);  
 1-chloro-1-fluoroethane (HCFC-151a);  
 pentafluoroethane (HFC-125);  
 3,3-dichloro-1,1,2,2-pentafluoropropane (HCFC-225ca);  
 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);  
 1,1,2,3,3,4,5,5-decafluoropentane (HFC-43-10mee);  
 1,1,2,2-tetrafluoroethane (HFC-134);  
 1,1,1-trifluoroethane (HFC-143a);  
 1,1-difluoroethane (HFC-152a);  
 parachlorobenzotrifluoride (PCBTf);  
 1,1,1,2,2,3,3,4,4-nonafiuoro-4-methoxybutane (C[4]F[9]OCH[3]);  
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafiuorobutane (C[4]F[9]OC[2]H[5]);  
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane  
 —((CF[3])[2]CF[2]OCH[3]);  
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane  
 —((CF[3])[2]CF[2]OC[2]H[5]);  
 perchloroethylene (tetrachloroethylene);  
 cyclic, branched, or linear completely-methylated siloxanes;  
 acetone (2-propanone or dimethylketone);  
 methyl acetate; and  
 perfluorocarbon compounds which fall into these classes:  
 1) Cyclic, branched, or linear, completely fluorinated alkanes;  
 2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;  
 3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and  
 4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with

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- negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusions is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Pretreatment Programs2) Code Citation: 35 Ill. Adm. Code 310

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.501	Amended
310.503	Amended
310.510	Amended
310.542	Amended
310.612	Amended
310.921	Repealed; new Section added
310.922	Repealed; new Section added
310.923	Added
310.924	Added

4) Statutory Authority: 415 ILCS 5/13, 13.3 and 275) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's opinion of April 16, 1998, in R98-23, which opinion is available from the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] do not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R98-23 proceeding updates Part 310 of the Illinois wastewater pretreatment rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1997, through December 31, 1997. During this period, USEPA amended its regulations as follows:

Federal Action 62 Fed. Reg. 38406 (July 17, 1997)	Summary Amendments to the Procedure for Modification of a Wastewater Pretreatment Program Incorporated into an NPDES Permit. USEPA amended its wastewater pretreatment rules and NPDES permit rules to streamline the process in order to reduce the administrative burden and cost of program modifications.
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Specifically, the segment of the amendments involved in Part 310 incorporates all of the federal revisions. The amendments would reduce the number of categories of modifications that are considered "significant", thus reducing the number that are subject to public notice requirements. The following modifications would no longer be considered "significant": changes in the legal authority of the publicly-owned

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treatment works (POTW) to operate its pretreatment program that make that authority more prescriptive, revisions in the legal authority that reflect changes in the federal regulations, changes in local pH limits, and reallocations of local limits that do not increase the ultimate discharge of that pollutant by the POTW.

The amendments would also eliminate some aspects of the public notice requirements. A public notice of final program modification approval is no longer required where there were no public comments on the notice of proposed program modifications. A public notice by a POTW will satisfy the notice requirements, and the Illinois Environmental Protection Agency (Agency) would no longer need to publish separate notice. The public notice period would be revised to 45 days. Finally, the type of newspaper required for publication of public notice would be amended, so the largest paper in the area is no longer required.

Two amendments do not relate directly to public notice. First, the period of review by the Agency would be changed from an indefinite period to 45 days, and the POTW may initiate minor modifications if the Agency does not object within the 45 day period of review. Second, a POTW would be able to change its list of industrial users without prior approval by the approval authority simply by changing the list in its annual report.

The Board has incorporated the federal amendments of July 17, 1997, with only minor deviations from the federal text. These would include those alterations in structure, wording, etc. that the Board finds are necessary to adapt the clear substance of the amended federal requirements into the text of the Illinois water pollution control regulations. In addition to the deviations from the text of the federal amendments, the Board has used this opportunity to make a small number of amendments to the base text of the existing regulations that are intended to correct minor, non-substantive faults. These minor revisions to the base text are intended to make the text comport more fully with Illinois codification requirements and with the most recent trends in codification style employed by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 310 includes incorporations by reference, the present amendments would not affect any of those incorporations.

9) Are there any other amendments pending on this Part? No

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10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program. These mandates are, however, identical in substance to mandates imposed by federal law. Additionally, these amendments decrease the burden of complying with the existing rules.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-23 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Amy Muran-Felton, at 312-814-7011.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. The present amendments are intended to decrease the burden of compliance with the existing rules.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments are intended to decrease the burden of compliance with the existing rules.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments are intended to decrease the burden of compliance with the existing rules.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the proposed amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 310  
PRETREATMENT PROGRAMS

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## SUBPART B: PRETREATMENT STANDARDS

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## 310.351 Modification or Withdrawal of Removal Credits

## SUBPART D: PRETREATMENT PERMITS

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Pretreatment Programs Required  
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Incorporation of Approved Programs in Permits  
Incorporation of Compliance Schedules in Permits  
Reissuance or Modification of Permits  
Pretreatment Program Requirements: Development and Implementation by POTW

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310.522 Contents of Program Submission  
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## SUBPART J: BYPASS

Section	Definition	Bypass Not Violating	Applicable Pretreatment Requirements	Standards or
310.911				
310.912				
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## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	General
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310.921	Substantial Modifications Defined Procedures
310.922	Approval Procedures for Substantial Modifications
310.923	Approval Procedures for Non-Substantial Modifications
310.924	Incorporation of Modifications into the Permit

**AUTHORITY:** Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART EB: POTW PRETREATMENT PROGRAMS

## Section 310.501 Pretreatment Programs Required

- a) The Agency shall require ~~to establish a pretreatment program~~ any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) that receives discharges that fulfill either of the following conditions to establish a pretreatment program which:

- 1) The POTW receives discharges that ~~pollutants that~~ which pass through or interfere with the operation of the POTW; or
- 2) The POTW receives discharges that ~~discharges that~~ which are otherwise subject to categorical standards in 35 Ill. Adm. Code 307.

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- b) The Agency shall require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if the Agency finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances require a pretreatment program in order to prevent interference or pass through.

- c) Subsections (a) and (b) of this Section notwithstanding, the Agency may, in its discretion, waive the requirement that any POTW develop a pretreatment program.

- 1) Waivers shall be in writing.
- 2) The Agency may, in its discretion, rescind any waiver by giving written notice to the POTW, giving sufficient time for the POTW to develop the program.

†BOARD NOTE Board-Note: Derived from 40 CFR 403.8(a) (1986).†

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 310.503 Incorporation of Approved Programs in Permits

A POTW may develop an appropriate POTW pretreatment program any time before the time limit set forth in Section 310.502. The approved POTW pretreatment program shall be incorporated into the POTW's NPDES permit. The modification of a POTW's NPDES permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in Sections 310.541 through 310.547 shall be deemed a minor permit modification subject to Section 310.442.†

†BOARD NOTE Board-Note: Derived from 40 CFR 403.8(c) (1997), as amended at Fed. Reg. 38414 (July 17, 1997)††9867.†

**Section 310.510 Pretreatment Program Requirements: Development and Implementation by POTW**

A POTW pretreatment program shall be based on the following legal authority and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

- 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;



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- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial user, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
  - A) A statement of duration (in no case more than five years);
  - B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator operation;
  - C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
  - D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and
  - E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;
- 4) Require:
  - A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
  - B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310-Subpart F of this Part;
- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to

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- be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA; Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement:
- A) All POTWs ~~POTW's~~ shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTWs ~~POTW's~~ shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. ~~POTW's--whose--approved--pretreatment--programs--require modification--to--conform--to--the--requirements--of--this subsection--shall--submit--a--request--by--November--16--1989.~~
  - B) Pretreatment requirements that which will be enforced through the remedies set forth in subsection (a)(6)(A) of this Section will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a monetary penalty that which the Agency finds to be insufficient. ~~The procedures for notice--to--industrial--users--where--the--POTW--is--seeking--ex parte--temporary--judicial--injunctive--relief--will--be--governed by--applicable--state--or--federal--law--and--not--by--this provision. i. and~~
  - 7) Comply with the confidentiality requirements set forth in Section 310.105.7
    - b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:
      - 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection

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- (b)(1) shall be made available to the Agency upon request;
- 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1) of this Section. This information shall be made available to the Agency upon request;
  - 3) Notify industrial users identified under subsection (b)(1) of this Section of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within 30 days after approval, pursuant to subsection (f) of this Section, of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;
  - 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D of this Part;
  - 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
    - A) A description of discharge practices, including non-routine batch discharges;
    - B) A description of stored chemicals;
    - C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and
    - D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response;
  - 6) Investigate instances of noncompliance with pretreatment

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- standards and requirements, as indicated in the reports and notices required under Subpart D of this Part, or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5) of this Section. Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
    - A) Chronic violations of wastewater discharge limits, defined here as those in which ~~56~~ sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
    - B) "Technical review criteria" (TRC) violations, which shall mean those violations in which ~~33~~ thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
    - C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
    - D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) of this Section to halt or prevent such a discharge;
    - E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
    - F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports,



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- and reports on compliance with compliance schedules;
- G) Failure to accurately report noncompliance; or
- H) Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program.<sup>7</sup>
- c) The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b).<sup>7</sup>
- d) Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary.<sup>7</sup>
- e) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
- 1) Describe how the POTW will investigate instances of noncompliance;
  - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
  - 3) Identify (by title) the officials responsible for each type of response; and
  - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b).<sup>7</sup> and
- f) The POTW shall prepare and maintain a list of its industrial users meeting the criteria in the first paragraph subsection of the definition of "significant industrial user" at Section 310.110. The list shall identify the criteria in the first paragraph subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second paragraph subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second paragraph subsection of that definition that such industrial user should not be considered a significant industrial user. The initial ~~this list~~ ~~and~~ ~~any~~ ~~subsequent modifications~~ ~~thereof~~ shall be submitted to the Agency pursuant to Sections 310.521 through 310.533 as a non-substantial program modification pursuant to Section 310.923 Subpart-K. Modifications to the list shall be submitted to the Agency pursuant to Section 310.612(a). ~~Discretionary~~ ~~designations~~ ~~or~~ ~~de~~ ~~designations~~ ~~by~~ ~~the~~ ~~control authority~~ ~~shall be deemed to be approved by the Agency 90 days after submission of the list or modifications thereto.~~
- BOARD NOTE: Derived from 40 CFR 403.8(f) (1997 1994), as amended at 62 Fed. Reg. 38414 (July 17, 1997) 60-Ped-Reg-33936--effective--June 29-1995.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective

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## Section 310.542 Public Notice and Hearing

Upon receipt of a submission the Agency shall commence its review. Within 20 work days after making a determination that a submission meets the requirements of Section 310.552, and, where removal allowance approval is sought, Sections 310.340 and 310.524, the Agency shall perform the following actions:

- a) Issue a public notice of request for approval of the submission.<sup>7</sup>
  - 1) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include the following actions:
    - A) Mailing notices of the request for approval of the submission to the following entities:
      - i) Federal agencies as designated by USEPA;
      - ii) Regional planning agencies that which participate in development of water quality management plans (unless such agencies have specifically requested not to receive such notices); and
      - iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and
    - B) Publication of a notice of request for approval of the submission in a the largest daily newspaper or newspapers of general circulation within the jurisdiction or jurisdictions served by the POTW that would provide meaningful public notice.
  - 2) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission.
  - 3) All written comments submitted during the 30 day comment period shall be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency.<sup>7</sup> and
  - b) Provide an opportunity for the applicant, any affected State ~~State~~, any interested State or federal agency, person or group of persons to request a public hearing with respect to the submission.
    - 1) This request for public hearing shall be filed within the 30 day (or extended) comment period described in subsection (a)(2) of this Section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.
    - 2) The Agency shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

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- 3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B) of this Section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

BOARD NOTE: Derived from 40 CFR 403.11(b) (1997) (1988), as amended at 62 Fed. Reg. 38414 (July 17, 1997) 53-Fed-Reg-406137 October-17-1988.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: REPORTING REQUIREMENTS

## Section 310.612 Annual POTW Reports

POTW's with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the following:

- An updated list of the POTW's industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirements.
- A summary of the status of industrial user compliance over the reporting period.
- A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period. And
- A summary of changes to the POTW's pretreatment program that have not been previously reported to the Agency Any other relevant information requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(i) (1997), as amended added at 62 Fed. Reg. 38414 (July 17, 1997) 53-Fed-Reg-406147-October-17-1988.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

## Section 310.921 Substantial Modifications Defined Procedures

Substantial modifications include the following types of modifications:

- Modifications that relax POTW legal authorities (as described in Section 310.510(a)), except for modifications that directly reflect a revision to this Part or to 35 Ill. Adm. Code: Subtitle C, and are reported pursuant to Section 310.923;
- Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the maximum allowable industrial loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to Section 310.923. For the purposes of this Section, "maximum allowable industrial loading" means the total mass of a pollutant that all industrial users of a POTW (or a subgroup of industrial users identified by the POTW) may discharge pursuant to limits developed under Section 310.210;
- Changes to the POTW's control mechanism, as the control mechanism is described in Section 310.510(a)(3);
- A decrease in the frequency of self-monitoring or reporting required of industrial users;
- A decrease in the frequency of industrial user inspections or sampling by the POTW;
- Changes to the POTW's confidentiality procedures; and
- Other modifications designated as substantial modifications by the Agency on any of the following bases:
  - The modification could have a significant impact on the operation of the POTW's pretreatment program;
  - The modification could result in an increase in pollutant loadings at the POTW; or
  - The modification could result in less stringent requirements being imposed on industrial users of the POTW.

BOARD NOTE: Derived from 40 CFR 403.18(b) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997).

POTW pretreatment program modifications must be accomplished as follows--for substantial modifications--as defined in Section 310.922:

- The POTW shall submit to the Agency a statement of the basis for the desired modification; a modified program description (See Section 310.510) or such other documents the Agency determines to be necessary under the circumstances;
- The Agency shall approve or disapprove the modification based on the requirements of Section 310.510, following the procedures in Section 310.542;
- The modification must be incorporated into the POTW's NPDES permit after approval pursuant to 35 Ill. Adm. Code-309-Subpart A;
- The modification becomes effective upon approval by the Agency. Notice of approval must be published in the same newspaper of the



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original request for approval of the modification under Section 310.542(a)(1)(B).  
BOARD NOTE: Derived from 40 CFR 403.18(b) as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Section repealed and new Section added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.922 Approval Procedures for Substantial Modifications**

- a) The POTW shall submit to the Agency a statement of the basis for the desired program modification, a modified program description (see Section 310.522), or such other documents the Agency determines to be necessary under the circumstances.
- b) The Agency shall approve or disapprove the modification based on the requirements of Section 310.510 and using the procedures in Sections 310.542 through 310.546, except as provided in subsections (c) and (d) of this Section. The modification shall become effective upon approval by the Agency.
- c) The Agency need not publish a notice of decision under Section 310.545 provided each of the following conditions is fulfilled:

- 1) The notice of request for approval under Section 310.542(a) states that the request will be approved if no comments are received by a date specified in the notice;
  - 2) No substantive comments are received; and
  - 3) The request is approved without change.
- d) Notices required by Sections 310.542 through 310.546 may be performed by the POTW, provided that the Agency finds that the POTW notice otherwise satisfies the requirements of Sections 310.542 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(c) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997).

- a) The following are substantial modifications for purposes of this Section:

- 1) Changes to the POTW's legal authorities;
- 2) Changes to local limits, which result in less stringent local limits;
- 3) Changes to the POTW's control mechanism as described in Section 310.510(a)(3);
- 4) Changes to the POTW's method for implementing categorical pretreatment standards (e.g., incorporation by reference, separate promulgation, etc.);
- 5) A decrease in the frequency of self-monitoring or reporting required of industrial users;
- 6) A decrease in the frequency of industrial user inspections or sampling by the POTW;
- 7) Changes to the POTW's confidentiality procedures;
- 8) Significant reductions in the POTW's pretreatment program

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resources (including personnel commitments, equipment and funding levels); and

- 9) Changes in the POTW's sludge disposal and management practices;
  - b) The Agency may designate other specific modifications, in addition to those listed in subsection (a), as substantial modifications;
  - c) A modification that is not included in subsection (a) is a substantial modification for the purposes of Sections 310.920 through 310.922 if the modification:
    - 1) Would have a significant impact on the operation of the POTW's pretreatment program;
    - 2) Would result in an increase in pollution loadings at the POTW; or
    - 3) Would result in less stringent requirements being imposed on industrial users of the POTW.
- BOARD NOTE: Derived from 40 CFR 403.18(c) as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Section repealed and new Section added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.923 Approval Procedures for Non-Substantial Modifications**

- a) The POTW shall notify the Agency of any non-substantial modification at least 45 days prior to its implementation by the POTW, in a statement similar to that provided for in Section 310.922(a).
- b) Within 45 days after the submission of the POTW's statement, the Agency shall notify the POTW of its decision to approve or disapprove the non-substantial modification.

- c) If the Agency does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under Section 310.921(g), the POTW may implement the modification.

BOARD NOTE: Derived from 40 CFR 403.18(d) (1997), as added at 62 Fed. Reg. 38414 (July 17, 1997).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.924 Incorporation of Modifications into the Permit**

All modifications shall be incorporated into the POTW's NPDES permit upon approval. The permit shall be modified to incorporate the approved modification in accordance with this Part and 35 Ill. Adm. Code 310.

BOARD NOTE: Derived from 40 CFR 403.18(e) (1997), as added at 62 Fed. Reg. 38414 (July 17, 1997).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Site Remediation Program2) Code Citation: 35 Ill. Adm. Code 7403) Section Numbers: Proposed Action:

740.100	Amended
740.120	Amended
740.505	Amended
740.700	New
740.705	New
740.710	New
740.715	New
740.720	New
740.725	New
740.730	New

4) Statutory Authority: 415 ILCS 5/58.14

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of April 16, 1998 in R98-27. On January 21, 1998, the Illinois Environmental Protection Agency (Agency) filed with the Illinois Pollution Control Board (Board) proposed amendments to the Site Remediation Program (35 Ill. Adm. Code 740). In general, the proposal is intended to implement the Agency's responsibilities under the environmental remediation tax credit (tax credit) program set forth in Public Act 90-123, effective July 21, 1997. The tax credit program allows taxpayers to credit against their Illinois income tax liability a portion of the costs that the taxpayer has spent to clean up certain contaminated properties. Generally, the tax credit program provides a tax credit that is equal to 25% of the taxpayer's unreimbursed eligible remediation costs in excess of \$100,000 per site. A taxpayer who wishes to claim the tax credit must first submit to the Agency an application for review of its cleanup (or "remediation") costs. The proposal establishes procedures and standards under which the Agency will consider these applications. The proposal provides that a taxpayer may obtain a preliminary review of estimated costs from the Agency before undertaking the remediation. The proposal also specifies the documents that the taxpayer must provide to the Agency in an application for final review of remediation costs, and sets forth the standards and procedures under which the Agency will review such applications. The proposal specifies the fees and manner of payment for obtaining Agency review and provides examples of costs considered eligible or ineligible for the tax credit. The proposal also provides for appeal of Agency decisions to the Board.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No

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8) Does this proposed rule contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Policy Objectives: This rulemaking neither creates nor expands a State mandate.11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Written comments concerning this rulemaking should reference R98-27 and be sent to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Richard McGill at 312-814-6983.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This is a voluntary program and imposes no new requirements on any small businesses. However, it implements, in part, the environmental remediation tax credit, which could provide tax benefits to small businesses involved in remediating certain contaminated properties in Illinois.

B) Reporting, bookkeeping, or other procedures required for compliance: Those businesses wishing to take advantage of the environmental remediation tax credit must maintain records of remediation costs and submit applications to the Agency, as outlined in the proposal.

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: December 1997The full text of the Proposed Amendments begin on the next page:



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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD

PART 740

SITE REMEDIATION PROGRAM

SUBPART A: GENERAL

Section	Purpose
740.100	Applicability
740.105	Permit Waiver
740.110	Agency Authority
740.115	Definitions
740.120	Incorporations by Reference
740.125	Severability
740.130	

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section	
740.200	General
740.205	Submittal of Application and Agreement
740.210	Contents of Application and Agreement
740.215	Approval or Denial of Application and Agreement
740.220	Acceptance and Modification of Application and Agreement
740.225	Termination of Agreement by the Remediation Applicant (RA)
740.230	Termination of Agreement by the Agency
740.235	Use of Review and Evaluation Licensed Professional Engineer (RELPE)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section	
740.300	General
740.305	Recordkeeping for Agency Services
740.310	Request for Payment
740.315	Submittal of Payment
740.320	Manner of Payment

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section	
740.400	General
740.405	Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)
740.410	Form and Delivery of Plans and Reports, Signatories and

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Certifications

740.415	Site Investigation -- General
740.420	Comprehensive Site Investigation
740.425	Site Investigation Report -- Comprehensive Site Investigation
740.430	Focused Site Investigation
740.435	Site Investigation Report -- Focused Site Investigation
740.440	Determination of Remediation Objectives
740.445	Remediation Objectives Report
740.450	Remedial Action Plan
740.455	Remedial Action Completion Report

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section	General
740.500	Reviews of Plans and Reports
740.505	Standards for Review of Site Investigation Reports and Related Activities
740.510	Standards for Review of Remediation Objectives Reports
740.515	Standards for Review of Remedial Action Plans and Related Activities
740.520	Standards for Review of Remedial Action Completion Reports and Related Activities
740.525	Establishment of Groundwater Management Zones
740.530	

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section	
740.600	General
740.605	Issuance of No Further Remediation Letter
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740.615	Payment of Fees
740.620	Duty to Record No Further Remediation Letter
740.625	Voidance of No Further Remediation Letter

SUBPART G: REVIEW OF REMEDIATION COSTS FOR ENVIRONMENTAL REMEDIATION TAX CREDIT

Section	
740.700	General
740.705	Preliminary Review of Estimated Remediation Costs
740.710	Application for Final Review of Remediation Costs
740.715	Agency Review of Application for Final Review of Remediation Costs
740.720	Fees and Manner of Payment
740.725	Remediation Costs
740.730	Ineligible Costs

APPENDIX A Target Compound List

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TABLE A Volatile Organics Analytical Parameters and Required Quantitation Limits

TABLE B Semivolatile Organic Analytical Parameters and Required Quantitation Limits

TABLE C Pesticide and Aroclors Organic Analytical Parameters and Required Quantitation Limits

TABLE D Inorganic Analytical Parameters and Required Quantitation Limits

APPENDIX B Review and Evaluation Licensed Professional Engineer Information

AUTHORITY: Implementing Sections 58 through 58.14 and authorized by Sections 58.5, 58.6, 58.7, 58.11 and 58.14 of the Environmental Protection Act [415 ILCS 5/58 through 58.14].

SOURCE: Adopted in R97-11 at 21 Ill. Reg. 7889, effective July 1, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, the abbreviation ug is used to indicate micrograms.

## SUBPART A: GENERAL

## Section 740.100 Purpose

The purpose of this Part is to establish procedures for investigation and remediation at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum and for the review and approval of those activities. (Section 58.1(a)(1) of the Act) The purpose of this Part is also to establish procedures to be followed to obtain Illinois Environmental Protection Agency review and approval of remediation costs before applying for the environmental remediation tax credit under Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)].

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 740.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency. (Section 3.01 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Agricultural facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites. (Section 58.2 of the Act)

"ASTM" means the American Society for Testing and Materials. (Section 58.2 of the Act)

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or "regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the remediation applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

"Groundwater management zone" or "GMZ" means a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

"Indirect costs" means those costs that incurred-by-the-Agency-which cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

"Licensed Professional Engineer" or "LPE" means a person, corporation or partnership licensed under the laws of this State to practice professional engineering. (Section 58.2 of the Act)



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"other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. (Section 58.2 of the Act)

"personal services costs" means costs relative to the employment of individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

"pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or dessicant. (Illinois Pesticide Act [415 ILCS 60/4])

"practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 740.125 of this Part.

"reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from a private entity or government agency by request and upon payment of a processing fee, if any.

"recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that

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indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)

"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. (Section 3.33 of the Act)

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. (Section 58.2 of the Act)

"Remediation applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of the owner or operator of the site. (Section 58.2 of the Act)

"Remediation costs" means reasonable costs paid for investigating and

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remediating regulated substances of concern consistent with the remedy selected for the site. For purposes of Subpart G of this Part, "remediation costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Subpart F of this Part, or costs incurred more than 12 months prior to acceptance into the site remediation program under this Part. (Section 58.2 of the Act)

"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740.Subpart D of this Part.

"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

"Residential property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas. (Section 58.2 of the Act)

"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom a Remediation Applicant (RA) has contracted to perform review and evaluation services under the direction of the Agency.

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act) This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

## Section 740.505 Reviews of Plans and Reports

- a) All reviews carried out under this Part shall be carried out by the

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Agency or a RELPE (Review and Evaluation Licensed Professional Engineer), both under the direction of a Licensed Professional Engineer. (Section 58.7(d) of the Act)

- b) Plans, reports and related activities which the Agency or a RELPE may review include, but are not limited to:

- 1) Site Investigation Reports and related activities;
- 2) Remediation Objectives Reports;
- 3) Remedial Action Plans and related activities; and
- 4) Remedial Action Completion Reports and related activities. (Section 58.7(d)(2) of the Act)

- c) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process, including those plans or reports reviewed by a RELPE. (Section 58.7(d)(3) of the Act)

- d) Except as provided in subsection (d)(5) below and Section 740.705(d) of this Part, the Agency shall have 60 days from the receipt of any plan or report to conduct a review and make a final determination to approve or disapprove the plan or report, or approve the plan or report with conditions. All reviews shall be based on the standards set forth in this Subpart E.

- 1) The Agency's record of the date of receipt of a plan or report shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from the Agency or certified or registered mail.

- 2) Submittal of an amended plan or report restarts the time for review.

- 3) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.

- 4) The Agency shall not be required to review any plan or report submitted out of the sequence for plans and reports set forth in this Part.

- 5) If any plans or reports are submitted concurrently, the Agency's timeline for review shall increase to a total of 90 days for all plans or reports so submitted.

- e) Upon completion of the review, the Agency shall notify the RA in writing of its final determination on the plan or report. The Agency's notification shall be made in accordance with Section 740.215(b) of this Part. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification shall contain the following information, as applicable:

- 1) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;
- 2) A listing of the Sections of Title XVII of the Act or this Part that may be violated if the plan or report is approved as submitted;
- 3) A statement of the specific reasons why Title XVII of the Act or this Part may be violated if the plan or report is approved as



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- submitted;
- 4) A statement of the reasons for conditions if conditions are required.
- f) The Agency may, to the extent consistent with review deadlines, provide the RA with a reasonable opportunity to correct deficiencies prior to sending a disapproval. However, the correction of such deficiencies by the submittal of additional information may, in the sole discretion of the Agency, restart the time for review.
- g) If the RA has entered into a contract with a RELPE under Subpart B of this Part, the Agency shall assign plans and reports submitted by the RA to the RELPE for initial review.
- 1) The RELPE's review shall be conducted in accordance with this Subpart E.
- 2) Upon completion of the review, the RELPE shall recommend to the Agency approval or disapproval of the plan or report or approval of the plan or report with conditions.
- 3) Unless otherwise approved by the Agency in writing, the RELPE shall have 30 days to complete the review of a plan or report and forward the recommendation to the Agency. If any plans or reports have been submitted concurrently to the Agency, the RELPE shall have a total of 45 days to complete the review of all plans or reports so submitted, unless otherwise approved by the Agency in writing.
- 4) The recommendation of the RELPE shall be in writing, shall include reasons supporting the RELPE's recommendation, and shall be accompanied by all documents submitted by the RA and any other information relied upon by the RELPE in reaching a decision.
- h) If the Agency disapproves or approves with conditions a plan or report or fails to issue a final determination within the applicable review period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. (Section 58.7(d)(5) of the Act)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: REVIEW OF REMEDIATION COSTS FOR  
ENVIRONMENTAL REMEDIATION TAX CREDIT

Section 740.700 General

This Subpart sets forth the procedures to be followed by an RA to obtain Agency review and approval of remediation costs before applying for the environmental remediation tax credit under Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)]. It contains procedures for preliminary reviews of estimated remediation costs and final reviews of remediation costs actually incurred.

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establishes fees for the Agency's reviews, provides for appeals of Agency decisions, and includes examples of remediation costs and ineligible costs.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 740.705 Preliminary Review of Estimated Remediation Costs

- a) The RA for any remediation site enrolled in the Site Remediation Program may request a preliminary review of estimated remediation costs by submitting a budget plan along with the Remedial Action Plan required under Section 740.450 of this Part. No budget plan shall be accepted for review by the Agency unless a Remedial Action Plan satisfying the requirements of Section 740.450 of this Part also has been submitted. The budget plan shall be submitted on forms prescribed and provided by the Agency and shall include, but not be limited to, the following information:
- 1) Identification of applicant and remediation site:
- A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;
- B) The address, site name, tax parcel identification number(s) and Illinois inventory identification number for the remediation site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;
- C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA.
- 2) Line item estimates of the costs that the RA anticipates will be incurred for the development and implementation of the Remedial Action Plan, including but not limited to:
- A) Site investigation activities:
- i) Drilling costs;
  - ii) Physical soil analysis;
  - iii) Monitoring well installation;
  - iv) Disposal costs.
- B) Sampling and analysis activities:
- i) Soil analysis costs;
  - ii) Groundwater analysis costs;
  - iii) Well purging costs;
  - iv) Water disposal costs.
- C) Remedial activities:
- i) Groundwater remediation costs;
  - ii) Excavation and disposal costs;
  - iii) Land farming costs;
  - iv) Above-ground bio-remediation costs;
  - v) Land application costs;

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- vi) Low thermal treatment costs;
- vii) Backfill costs;
- viii) In-situ soil remediation costs;
- ix) Other treatment costs.

D) Report preparation costs.

E) Other costs not included above.

- 3) A certification, signed by the RA or authorized agent and notarized, as follows:

I, [name of RA, if individual, or authorized agent of RA], hereby certify that neither [ "I" if RA is certifying or name of RA if authorized agent is certifying], nor any related party (as described in Section 201(1) of the Illinois Income Tax Act (35 ILCS 5/201(1))), nor any person whose tax attributes [ "I" if RA is certifying or name of RA if authorized agent is certifying] have [has] succeeded to under Section 381 of the Internal Revenue Code caused or contributed in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) that are identified and addressed in the Remedial Action Plan submitted for the site identified above.

- 4) The original signature of the RA or authorized agent acting on behalf of the RA.

b) The budget plan shall be accompanied by the applicable fee for review as provided in Section 740.720 of this Subpart. Budget plans shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the Agency's normal business hours.

c) The time for the Agency to review the budget plan begins on the date that the Agency receives the budget plan. The Agency's record of the date of receipt of the budget plan shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from registered or certified mail. The RA may waive the time for review. The time frames for the Agency review are:

- 1) If the budget plan is submitted with the Remedial Action Plan, the submission of the budget plan shall be deemed an automatic 60-day waiver of the applicable review period for the Remedial Action Plan, as set forth in Section 740.505(d) of this Part. In this instance, the Agency shall have 120 days from its receipt of the two documents to make its final determination on the two documents.

2) If the budget plan is not submitted with the Remedial Action Plan, the budget plan may not be submitted until after the Agency has made a final determination on the Remedial Action Plan. If the budget plan is submitted after the Agency has approved the Remedial Action Plan, the Agency shall have 60 days from its receipt of the budget plan to make a final determination on the

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budget plan.

- 3) If an amended Remedial Action Plan or amended budget plan is submitted before an Agency final determination on the Remedial Action Plan and budget plan, the Agency shall have 120 days from its receipt of the amended document to make a final determination on the two documents.

4) If an amended budget plan is submitted without an amended Remedial Action Plan and after the Agency's final determination on the Remedial Action Plan, the Agency shall have 60 days from its receipt of the amended budget plan to make a final determination on the amended budget plan.

d) The Agency shall review the budget plan and the Remedial Action Plan to determine, in accordance with Sections 740.725 and 740.730 of this Part, whether the estimated costs are remediation costs. Upon completion of the preliminary review, the Agency shall notify the RA in writing of its decision to approve, disapprove or modify the estimated remediation costs submitted in the budget plan.

1) If a budget plan is disapproved or approved with modification of estimated remediation costs, the written notification shall contain the following information as applicable:

A) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;

B) The reasons for the disapproval or modification of estimated remediation costs;

C) Citations to statutory or regulatory provisions upon which the decision is based.

2) The Agency may combine the notification of its decision on a budget plan with the notification of its decision on the corresponding Remedial Action Plan.

3) The Agency's notification of decision shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's decision shall be deemed to have taken place on the postmarked date that the notice is mailed.

e) Revision and Resubmission

1) If the Agency disapproves a Remedial Action Plan or approves a Remedial Action Plan with conditions in accordance with Subpart E of this Part, the Agency may return the corresponding budget plan to the RA without review. If the Remedial Action Plan is amended as a result of the Agency action, the RA may submit a revised budget plan for review. No additional fee shall be required for this review.

2) If the Remedial Action Plan is amended by the RA and the RA intends to submit the Agency's decision on the budget plan in accordance with Section 740.715(c) of this Subpart, the budget plan shall be revised accordingly and resubmitted for Agency review. No additional fee shall be required for this review.

f) If the Agency disapproves or modifies the budget plan or fails to



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issue a final determination within the applicable review period, the RA may, within 35 days after its receipt of the determination or expiration of the deadline, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 740.710 Application for Final Review of Remediation Costs

a) The RA for any remediation site enrolled in the Site Remediation Program may submit an application for final review of remediation costs. No application shall be submitted until a No Further Remediation Letter has been issued and the No Further Remediation Letter (or an affidavit under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter has issued by operation of law) has been recorded in the chain of title for the site, all in accordance with Title XVII of the Act and Subpart F of this Part. The application shall be submitted on forms prescribed and provided by the Agency and shall include, but not be limited to, the following information:

- 1) Identification of applicant and remediation site:
  - A) The full legal name, address and telephone number of the RA, any authorized agents acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;
  - B) The address, site name, tax parcel identification number(s), and Illinois inventory identification number for the remediation site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;
  - C) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA;
- 2) A true and correct copy of the No Further Remediation Letter(s) (or affidavit(s) under Section 740.620(a)(2) of this Part stating that the No Further Remediation Letter(s) has issued by operation of law) for the remediation site as recorded in the chain of title for the site and certified by the appropriate County Recorder or Registrar of Titles;
- 3) Itemization and documentation of remediation activities at the remediation site for which the environmental remediation tax credit is sought and for the costs of remediation incurred by the RA at the site, including invoices, billings and dated, legible receipts along with canceled checks or other Agency-approved methods of proof of payment;
- 4) A certification, signed by the RA or authorized agent and notarized, as follows:

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I, \_\_\_\_\_ [name of RA, if individual, or authorized agent of RA], hereby certify that:

The site for which this application for an environmental remediation tax credit is submitted is the same site as the site for which the attached No Further Remediation Letter was issued;

All the costs included in this application were incurred at the site and for the regulated substance(s) or pesticide(s) for which the No Further Remediation Letter was issued;

The costs submitted were paid by \_\_\_\_\_ ["me" if RA is certifying or name of RA if authorized agent is certifying] and are accurate to the best of my knowledge and belief;

None of the costs included in this application were incurred before January 1, 1998, or more than 12 months before the enrollment of the site in the Site Remediation Program, or after the date of issuance of the No Further Remediation Letter;

None of the costs included in this application have been or will be deducted at any time under the Internal Revenue Code or taken into account in calculating an environmental remediation credit granted against a tax imposed under the provisions of the Internal Revenue Code;

Neither \_\_\_\_\_ ["I" if RA is certifying or name of RA if authorized agent is certifying], nor any related party (as described in Section 201(1) of the Illinois Income Tax Act [35 ILCS 5/201(1)]), nor any person whose tax attributes \_\_\_\_\_ ["I" if RA is certifying or name of RA if authorized agent is certifying] have [has] succeeded to under Section 381 of the Internal Revenue Code caused or contributed in any material respect to the release or substantial threat of a release of regulated substance(s) or pesticide(s) for which the No Further Remediation Letter was issued.

- 5) The original signature of the RA or of the authorized agent acting on behalf of the RA.
- b) The application for final review shall be accompanied by the applicable fee for review as provided in Section 740.720 of this Subpart. Applications shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the Agency's normal business hours.
- c) The Agency's acceptance of a certification that neither the RA, nor any related party (as described in Section 201(1) of the Illinois Income Tax Act [35 ILCS 5/201(1)]), nor any person whose tax

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attributes the RA has succeeded to under Section 381 of the Internal Revenue Code, caused or contributed in any material respect to the release or substantial threat of a release for which the environmental remediation tax credit is requested shall not bind the Agency or the State and shall not be used as a defense with regard to any enforcement or cost recovery actions that may be initiated by the State or any other party.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 740.715 Agency Review of Application for Final Review of Remediation Costs

- a) The Agency shall review the application for final review of remediation costs to determine, in accordance with Sections 740.725 and 740.730 of this Part, whether the costs incurred are remediation costs.
- b) The Agency shall have 60 days after the receipt of an application for final review to make its final determination on the application. The Agency's record of the date of receipt of the application shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from registered or certified mail. The RA may waive the time for review. Submittal of an amended application restarts the time for review.

#### c) Further Review by the Agency

- 1) If a preliminary review of a budget plan has been obtained under Section 740.705 of this Subpart, the RA may submit, along with the application, supporting documentation, and the applicable fee under Section 740.720 of this Subpart, a copy of the Agency's budget plan decision accompanied by a certification, signed by the RA or authorized agent and notarized, as follows:

I, \_\_\_\_\_ [name of RA, if individual, or name of authorized agent of RA], hereby certify that the actual remediation costs incurred at the site for line items \_\_\_\_\_ [list line items to which certification applies] and identified in the Application for Final Review of Remediation Costs are equal to or less than the costs approved for the corresponding line items in the attached budget plan decision.

- 2) If the budget plan decision and certification are submitted, the Agency may, but is not required to, conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted. If the certification in subsection (c)(1) of this Section does not apply to all line items as approved in the budget plan, the Agency shall conduct its review of the costs for the uncertified line

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items as if no budget plan had been approved.

- d) Upon completion of the final review, the Agency shall notify the RA in writing of its decision to approve, disapprove or modify the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, the written notification shall contain the following information as applicable:
  - 1) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;
  - 2) The reasons for the disapproval or modification of remediation costs;
  - 3) Citations to statutory or regulatory provisions upon which the decision is based.
- e) The Agency's notification of final determination shall be by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's determination shall be deemed to have taken place on the postmarked date that the notice is mailed.
- f) If the Agency disapproves or modifies the application for final review or fails to issue a final determination within the applicable review period, the RA may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 740.720 Fees and Manner of Payment

- a) The fee for the preliminary review of estimated remediation costs conducted under Section 740.705 of this Subpart shall be as follows:
  - 1) Except as provided in subsection (a)(2) of this Section, the fee for the preliminary review shall be \$500 for each remediation site reviewed.
  - 2) There shall be no fee for a preliminary review if the requirements of subsection (c) of this Section are satisfied.
- b) The fee for the final review of remediation costs under Section 740.715 of this Subpart shall be as follows:
  - 1) Except as provided in subsection (b)(2) of this Section, the fee for the final review shall be \$1000 for each remediation site reviewed.
  - 2) The fee for the final review shall be \$250 if the requirements of subsection (c) of this Section are satisfied.
- c) To obtain the fee waiver under subsection (a)(2) of this Section or the reduced fee under subsection (b)(2) of this Section:
  - 1) The total remediation costs for the site must be \$100,000 or less; and



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2) The RA must submit written certification in accordance with regulations of the Department of Commerce and Community Affairs (DCCA) that the remediation site is located entirely within an enterprise zone as defined in the Illinois Enterprise Zone Act [20 ILCS 655] and entirely within one or more census tracts that have been determined by DCCA to contain a majority of households consisting of low and moderate income persons. The certification shall be submitted with the budget plan or application for final review and shall clearly identify the remediation site by name, address, tax parcel identification number(s) and Illinois inventory identification number.

d) The fee for a review under this Subpart G shall be in addition to any other fees, payments or assessments under Title XVII of the Act and this Part. The fee shall be paid by check or money order made payable to "Treasurer - State of Illinois, for Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number and the Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 740.725 Remediation Costs**

a) Activities, materials, labor, equipment, structure and service costs that may be approved by the Agency as remediation costs for the environmental remediation tax credit under Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)] include, but are not limited to, the following:

- 1) Preparation of bid documents and contracts for procurement of contractors, subcontractors, analytical and testing laboratories, labor, services and suppliers of equipment and materials;
- 2) Engineering services performed in accordance with Section 58.6 of the Act and implementing regulations at Sections 740.235 and 740.405 of this Part;
- 3) Site assessment and remedial investigation activities conducted in accordance with Sections 740.410, 740.415, 740.420 and 740.430 of this Part;
- 4) Report or plan preparation conducted in accordance with Sections 740.425, 740.435, 740.445, 740.450 and 740.455 of this Part;
- 5) Collection, analyses or measurement of site samples in accordance with Section 740.415(d) of this Part;
- 6) Groundwater monitoring well installation, operation, maintenance and construction materials;
- 7) Removal, excavation, consolidation, preparation, containerization, packaging, transportation, treatment or off-site disposal of wastes, environmental media (e.g., soils, sediments, groundwater, surface water, debris), containers or

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equipment contaminated with regulated substances or pesticides at concentrations exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with Section 740.445 of this Part. Activities must be in compliance with all applicable state or federal statutes and regulations;

8) Clean backfill materials in quantities minimally necessary to replace soils excavated and disposed off-site that were contaminated with regulated substances or pesticides at levels exceeding remediation objectives pursuant to an approved Remediation Objectives Report in accordance with Section 740.445 of this Part;

9) Transportation, preparation and placement of clean backfill materials pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

10) Design, testing, permitting, construction, monitoring and maintenance of on-site treatment systems pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

11) Engineering costs associated with preparation of a budget plan in accordance with Section 740.705 of this Subpart or an Application for Final Review of Remediation Costs in accordance with Section 740.710 of this Subpart if prepared before the issuance of the No Further Remediation Letter (by the Agency or by operation of law);

12) Removal or replacement of concrete, asphalt or paving necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

13) Clay, soil or other appropriate geologic materials as a cap, barrier or cover necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

14) Placement of clay, soil or other appropriate geologic materials as a cap, barrier or cover necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part;

15) Destruction or dismantling and reassembly of above-grade structures that are necessary to achieve remediation objectives pursuant to an approved Remedial Action Plan in accordance with Section 740.450 of this Part.

b) An RA may submit a request for review of remediation costs that includes an itemized accounting and documentation of costs associated with activities, materials, labor, equipment, structures or services not identified in subsection (a) of this Section if the RA submits detailed information demonstrating that those items are essential for compliance with this Part 740, 35 Ill. Adm. Code 742 and the approved Remedial Action Plan.

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(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 740.730 Ineligible Costs**

Costs ineligible for the environmental remediation tax credit under Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)] include, but are not limited to, the following:

- a) Costs not incurred by the RA;
- b) Costs incurred for activities, materials, labor or services relative to remediation at a site other than the site for which the No Further Remediation Letter was issued;
- c) Costs for remediating a release or substantial threat of a release of regulated substances or pesticides that was caused or contributed to in any material respect by the RA, any related party as described in Section 201(l) of the Illinois Income Tax Act [35 ILCS 5/201(l)] or any person whose tax attributes the RA has succeeded to under Section 381 of the Internal Revenue Code;
- d) Costs incurred before January 1, 1998, or more than 12 months before enrollment of the site in the Site Remediation Program, or after the date of issuance of a No Further Remediation Letter issued pursuant to Section 58.10 of the Act and Subpart F of this Part;
- e) Costs that have been or will be deducted at any time under the Internal Revenue Code or taken into account in calculating an environmental remediation credit granted against a tax imposed under the provisions of the Internal Revenue Code;
- f) Costs associated with material improvements that serve incidentally as engineered barriers and that are not primarily designed or intended to eliminate or mitigate exposures to, or migration of, regulated substances or pesticides;
- g) Costs or losses resulting from business interruption;
- h) Costs incurred as a result of vandalism, theft, negligence or fraudulent activity by the RA or the agent of the RA;
- i) Costs incurred as a result of negligence or unprofessional conduct as defined in Section 25 of the Professional Engineering Practice Act of 1989 [235 ILCS 325/25];
- j) Costs incurred as a result of negligence or unprofessional conduct by any contractor, subcontractor, or other person providing remediation services at the site;
- k) Costs associated with replacement of above-grade structures destroyed or damaged during remediation activities;
- l) Costs associated with obtaining a special waste generator identification number in excess of the lesser of \$250 or the actual time spent in obtaining a special waste generator identification number;
- m) Attorney fees;
- n) Purchase costs of non-consumable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of

- o) such materials, supplies, equipment or tools;
- p) Costs for repairs or replacement of equipment or tools due to neglect, improper or inadequate maintenance, improper use, loss or theft;
- q) Costs associated with activities that violate any provision of the Act or Board, Agency or Illinois Department of Transportation regulations;
- r) Costs associated with improperly installed or maintained groundwater monitoring wells;
- s) Costs associated with unnecessary, irrelevant or improperly conducted activities, including, but not limited to, data collection, testing, measurement, reporting, analysis, modeling, risk assessment or sample collection, transportation, measurement, analysis or testing;
- t) Stand-by or demurrage costs;
- u) Interest or finance costs charged as direct costs;
- v) Insurance costs charged as direct costs;
- w) Indirect costs for personnel, labor, materials, services or equipment charged as direct costs;
- x) Costs associated with landscaping, vegetative cover, trees, shrubs and aesthetic considerations;
- y) Costs associated with activities, materials, labor, equipment, structures or services not essential for compliance with this Part 740, 35 Ill. Adm. Code 742 and the approved Remedial Action Plan;
- z) Costs determined to be incorrect as a result of a mathematical, billing or accounting error;
- aa) Costs that are not adequately documented;
- ab) Costs that are determined to be unreasonable.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Marriage and Family Therapy Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1283

3) Section Numbers: Proposed Action:

1283.10 Repealed  
1283.15 New Section  
1283.20 Amendment  
1283.25 New Section  
1283.30 Amendment  
1283.30 Amendment  
1283.50 Amendment  
1283.60 Amendment  
1283.70 Amendment  
1283.100 Amendment  
1283.110 Amendment

4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-0061, effective December 30, 1997, includes the reauthorization of the Marriage and Family Therapy Licensing Act; this proposed rulemaking implements various statutory changes. Among its changes was elimination of obsolete language, including grandfather provisions, and differentiating between and clarifying professional work and clinical experience. It also revises educational requirements to include program approval.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813

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Fax: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing marriage and family therapy services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Marriage and family therapy skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1283  
MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	Application for a Temporary License Under Section 50 of the Act (Repealed)
1283.10	
1283.15	Professional Work Experience
1283.20	Clinical Experience
1283.25	Clinical Supervision
1283.30	Education
1283.40	Examination
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective February 5, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1283.10 Application for a Temporary License Under Section 50 of the Act (Repealed)

- a) Any person seeking a temporary license without examination under Section 50 of the Marriage and Family Therapy Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:
- Verification on forms provided by the Department that the applicant holds one of the following:
    - A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution.
    - A master's or doctoral degree from a regionally accredited educational institution in a related field (e.g., behavioral

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science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) of this Part; or

e) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

- Verification signed by an employer or supervisor on forms provided by the Department, that following receipt of the first qualifying degree the applicant obtained at least 2 years of work experience as defined in Section 1283.20 of this Part; if self-employed the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work attesting to the applicant's work performance.
- Verification of at least 260 hours of clinical supervision as defined in Section 1283.20 of this Part.
- A complete work history since graduation from a master's program.
- The required fee set forth in Section 55 of the Act.
- Certification on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
  - The time during which the applicant was licensed in that jurisdiction including the date of the original issuance of the license.
  - A description of the examination in that jurisdiction and whether the file on the applicant contains any record of disciplinary actions taken or pending.
- In lieu of subsections (f)(1) and (3), the Department shall accept certification of active clinical membership from the American Association for Marriage and Family Therapy.
- When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Marriage and Family Therapy Licensing and Disciplinary Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:
  - Provide such information as may be necessary; and/or
  - Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- All persons receiving a temporary license shall pass the examination set forth in Section 1283.40 by December 31, 1995, in order to obtain a license as a licensed marriage and family therapist.
- All temporary licenses shall expire December 31, 1995. Upon approval of the temporary license, the applicant shall be eligible to sit for the examination. The applicant shall submit a completed application form provided by the Department along with the



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examination--fee-to-the-designated-testing-service---Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the fee--set forth in Section 55(a)--of the Act, the Department shall issue the permanent marriage and family therapist license.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1283.15 Professional Work Experience**

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 3000 hours of professional work experience in not less than a 2 year period.

a) Professional work experience is defined as providing professional services, including clinical activities as defined in Section 1283.20 as well as non-clinical activities related to the practice of the profession of marriage and family therapy. Following receipt of the first qualifying education degree, at least 3000 hours of professional work experience is required, which includes 1000 hours as defined in Section 1283.20 of this Part and 200 hours of clinical supervision as defined in Section 1283.25 of this Part.

b) Professional work experience shall be obtained in not less than 2 years and no more than 5 years.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1283.20 Clinical Experience and Clinical Supervision**

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 2 years--of work--experience--in--the--practice--of--marriage--and--family--therapy--including at least 1,000 hours of face-to-face client contact with individuals, couples and families, including individuals, for the purpose of evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology. and--at--least--200--hours--of--clinical--supervision--of--marriage--and--family--therapy. At least 350 hours of the 1000 hours of face-to-face client contact must involve working with only one client present in therapy sessions, and at least 350 hours of the 1000 hours of face-to-face client contact must involve conjoint therapy, i.e., working with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. The applicant shall be supervised as defined in Section 1283.21 of this Part during the whole period the applicant is accumulating clinical experience.

a) Clinical experience in the practice of marriage and family therapy may be gained by providing treatment that includes, but is not limited to:

- 1) Individual and conjoint Marriage and family therapy;
- 2) Counseling;
- 3) Psychotherapy, including behavioral family therapy;
- 4) Assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;
- 54) Behavior modification;
- 65) Hypnotherapy;
- 76) Sex therapy;
- 87) Consultation;
- 98) Client advocacy;
- 109) Crisis intervention;
- 1140) Testing and evaluation;
- 1241) Group therapy;
- 1342) Multi-family therapy; and
- 1443) Psychoeducation; and informing and educating clients.
- 15) Therapy with children and adolescents.
- b) Marriage and family therapy treatment shall include, but not be limited to, providing mental health services for the evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology. direct--individual;--group--or--family--therapy counseling--in--the--following--categories:
  - 1) Married couples;
  - 2) Unmarried couples;
  - 3) Separating and/or divorcing couples;
  - 4) Family groups, including children and
  - 5) Multi-family groups.
- c) The use of specific methods, techniques or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques or modalities.
- d) One--year--of--work--experience--is--defined--as--a--minimum--of--1400--hours--of--professional--work--experience--providing--marriage--and--family--services.
  - 1) No more than one year of credit shall be given in a 12-month period.
  - 2) Experience shall be obtained in not less than 2 years and no more than 5 years.
- e) Clinical Supervision
  - 1) The--200--hours--of--clinical--supervision--required--in--Sections 1283-10(a)(3) and 1283-50(a)(3) may be completed while fulfilling the 2-year work experience requirement of Sections 1283-10(a)(2) and 1283-50(a)(2).
  - 2) Prior--to--and--including--December--31--1995--the--clinical supervision--at--the--time--the--supervision--took--place--shall--have been received from an individual(s) who:
    - A) Had been practicing marriage and family therapy for at least 10 years and had training in supervision;
    - B) Had:
      - 1) Completed--the--education--requirements--defined--under

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- Section 1203.30 or equivalent?
- ii) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a) and (b) and (d)?
- iii) Provided over 3000 therapy hours of face-to-face client contact?
- iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision?
- 5) Was certified as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy?
- 6) After December 31, 1995, the clinical supervisor at the time the supervisor took place, shall have been received from an individual(s) who:
- A) Had:
- i) Held an active license as a marriage and family therapist?
- ii) Completed 5 years full-time experience as a marriage and family therapist as defined in subsections (a) and (b) and (d)?
- iii) Provided over 3000 therapy hours of face-to-face client contact?
- iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision?
- v) Completed a 2 semester hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant?
- B) Was certified as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy?
- 4) After December 31, 1999, the clinical supervisor shall at the time the supervisor took place, have been received from an individual(s) who:
- A) Had:
- i) Held an active license as a marriage and family therapist for at least 5 years?
- ii) Provided over 3000 therapy hours of face-to-face client contact?
- iii) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision?
- iv) Completed a 2 semester hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant?

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- B) Was certified as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy?
- 5) Supervision means the direct clinical review for the purposes of training or teaching by a supervisor of the applicant's interaction with a client. The purpose of supervision shall be to promote the development of the individual's clinical skills. Supervision is face-to-face conversation with a supervisor usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisee's continuing clinical practice which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings and live supervision. It is a process clearly distinguishable from personal psychotherapy and is contracted in order to serve professional goals.
- A) Individual supervision shall mean a maximum of 2 supervisees meeting with one supervisor.
- B) Group supervision shall mean a maximum of 6 supervisees meeting with one supervisor.
- 7) The following is not acceptable marriage and family therapy supervision: peer supervision (supervision by a person of equivalent but not superior qualifications); status and experience; supervision by current or former family members or any other person with whom the nature of the personal relationship prevents or makes difficult the establishment of a professional supervisory relationship; administrative supervision (administrative supervision by an institutional director or executive for example) conducted to evaluate job performance or for case management; not the quality of therapy given to a client; a primarily didactic process wherein techniques or procedures are taught in a group setting; classroom workshop or seminar; staff development; orientation to a field or program or role playing of family relationships as a substitute for current clinical practice in an appropriate clinical situation.
- f) A doctoral internship may be applied toward the 300-hour clinical supervision requirement of Sections 1203.10(a)(3) and 1203.54(a)(3).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1203.25 Clinical Supervision

An applicant must complete 200 hours of clinical supervision of marriage and family therapy. At least 100 of these 200 clinical supervision hours must occur following the receipt of the first qualifying degree. Up to 100 hours of clinical supervision accumulated during graduate training may be counted toward



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the required 200 hours of clinical supervision. At least 100 of the 200 hours of clinical supervision must be completed with a marriage and family therapy supervisor who has met certain requirements.

a) At least 100 of the 200 hours of clinical supervision shall be completed while fulfilling the clinical experience requirement of Section 1283.20 of this Part and the post-degree professional work experience requirement in Section 1283.15 of this Part. Up to 100 hours of clinical supervision accumulated during graduate training for the first qualifying degree may be counted toward the required 200 hours of clinical supervision.

b) At least 100 of the 200 hours of clinical supervision, whether accumulated during or after graduate training for the first qualifying degree, shall have been received from an individual(s) who, at the time the supervision took place:

- 1) was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy; or
- 2) had held an active license as a marriage and family therapist with 5 years clinical experience providing marriage and family therapy after his or her first qualifying degree; or
- 3) held an active clinical membership certification with the American Association for Marriage and Family Therapy for at least 5 years; or
- 4) had:
  - A) held an active license as a licensed clinical psychologist, a licensed clinical social worker, a licensed clinical professional counselor or a psychiatrist licensed under the Medical Practice Act;
  - B) 5 years clinical experience providing marriage and family therapy as defined in Section 1283.20;
  - C) provided at least 1000 hours of conjoint therapy; and
  - D) either 2 years experience providing clinical supervision of marriage and family therapy (including the supervision of conjoint therapy) or completed a 1 semester hour graduate course in marriage and family therapy supervision (at least 15 contact hours) or the equivalent prior to or during the supervision provided the applicant.

c) The other 100 hours of the clinical supervision shall have been received as part of a practicum or internship experience and/or from an individual(s) who, at the time the supervision took place, was a licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, licensed clinical professional counselor or psychiatrist licensed under the Medical Practice Act with 5 years experience in his/her discipline.

d) All 200 hours of clinical supervision must meet the requirements set forth in subsections (e), (f), and (g) of this Section.

e) Supervision means the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicant's interaction with a client. The purpose of supervision shall be to promote the

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development of the individual's clinical skills.

f) Supervision is face to face conversation with a supervisor, usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisee's continuing clinical practice, which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings, and live supervision. It is a process clearly distinguishable from personal psychotherapy and is conducted in order to serve professional goals. Acceptable modes of supervision are as follows:

- 1) Individual supervision shall mean a maximum of 2 supervisees meeting with one supervisor.
- 2) Group supervision shall mean a maximum of 6 supervisees meeting with one supervisor.

g) The following is not acceptable marriage and family therapy supervision: peer supervision (supervision by a person of equivalent but not superior qualifications, status and experience); supervision by current or former family members or any other person with whom the nature of the personal relationship prevents, or makes difficult, the establishment of a professional supervisory relationship; administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management, not the quality of therapy given to a client); a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop or seminar; staff development, orientation to a field or program or role-playing of family relationships as a substitute for current clinical practice in an appropriate clinical situation.

h) A doctoral practicum or internship may be applied toward the 200-hour clinical supervision requirement of Section 1283.50(a)(3).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1283.30 Education

a) An applicant for a license as a marriage and family therapist shall hold one of the following:

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or
- 3) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy

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education of the American Association for Marriage and Family Therapy.

- b) Prior to or on December 31, 1999, an applicant must have completed a minimum of 36 semester hours or 48 quarter hours of graduate coursework. Beginning January 1, 2000, an applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and syllabi are required for courses whose titles do not reflect the ~~systemic-theoretical orientation and content as described below:~~

1) Marital and Family Studies. Topics in marriage and family studies must be addressed in a minimum of 3 courses (9 semester or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include family ~~(3-courses--9-semester or 12-quarter-hours)--Family development and family interaction patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; family--in-a-social-context; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marriage, parenting, sibling).~~

2) Marital and Family Therapy. Topics in marriage and family therapy must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). The following topics must be covered: ~~(3--courses--9--semester--or--12--quarter hours)--Family-therapy-methodology; family-assessment;--treatment and-intervention-methods;~~

A) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational; assessment and evaluation of individuals (children, adolescents, and adults), couples and families;

B) treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;

C) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;

D) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;

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- E) assessment and treatment of substance abuse, domestic violence and sexual disorders;  
E) crisis intervention.

The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working conjointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups.

3) Human Development. Topics in human development must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~(3--courses--9-semester--or--12-quarter-hours)--Human development; lifestyle and career development; personality theory; testing and evaluation; and human sexuality. Coursework must cover the topics of psychopathology and behavior disorders, psychopathology, behavior-pathology-~~

4) Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~(1-course--3-semester or 4-quarter-hours)--Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.~~

5) Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: ~~(1-course--3-semester--or--4-quarter-hours)--Research design; and methods; statistics; research in a mental health field marital and-family-studies-and-therapy.~~

6) Clinical Practicum/Internship. (300 hours)--15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples and families for the purpose of assessment, diagnosis and treatment.

c) While the required number of courses in marriage and family studies, marriage and family therapy, and human development can be met in a variety of ways, it is mandatory that the following topics be covered:

- 1) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, behavioral, experiential, object relations, strategic, systemic, and transgenerational; assessment and evaluation of individuals (children, adolescents

2)



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- and adults), couples and families;
- 3) treatment and intervention methods for working with individuals (children, adolescents, and adults), couples, families and groups in therapy;
  - 4) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;
  - 5) assessment and treatment of substance abuse, domestic violence and sexual disorders;
  - 6) crisis intervention; and
  - 7) psychopathology and behavior disorders.
- d) Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:
- 1) The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.
  - 2) The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from professional colleges and institutions.
  - 3) The education unit or department has an identifiable body of students who are matriculated in that program for a degree.
  - 4) A marriage and family therapist is responsible for the program.
  - 5) The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.
  - 6) The program shall contain the curriculum listed in Section 1283.30(b) and (c) of this Part.
- e) Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.
- 1) The Department may reevaluate any program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.
  - 2) The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
  - 3) Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection (d) including changes in curriculum and/or faculty.

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- f) In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.
- gd) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (c)(b) above shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.
- he) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (c)(b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:
- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists;
  - 2) The specific course submitted as equivalent to those defined in subsection Section-1283-30 (b)(2) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
  - 3) Courses must be offered by an established, identifiable facility or agency.
  - 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
  - 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
  - 6) Correspondence courses are not acceptable.
- if) Credit for courses taken pursuant to subsection (h)(e) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (h)(e).
- g) An applicant whose master's or doctorate degree was received on or prior to December-31-1995, and whose application is postmarked no later than December-31-1995, may establish equivalency for the education requirement of subsection (b) in the following manner:
- i) Conferences/Workshops/Seminars Attended or Presented-45--contact hours--of--relevant--content--equal--one-3-semester-credit-or-one

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4-quarter-credit-course---A--first-of--the--equivalencies--the applicant--wishes--to--be--considered--should--be--organized--by coursework--area--(marriage--and--family--studies--marriage--and--family therapy--human--development--professional--studies--and--research--include--date--title--course--description--or--brochure--present--number-of--hours--attended/presented--and--certificate-of--attendance--

2\*) Publications---For--books--published--submit-a-copy-of-the-title page--table-of-contents--and--bibliography---A--chapter-in-a-book-is equivalent--to--one--3--semester--or--4--quarter--credit--course. Applicants--who--author--or--edit--a--book--are--given--credit--equivalent to--6--semester--credits--or--8--quarter--credits--(2--courses)---For journal--articles--published--in--a--professional--refered--journal submit--the--journal--table-of-contents--and--a--copy--of--the--article--as it--appeared--in--the--journal--including--bibliography---A--journal article--is--equivalent--to--a--3--semester--credit--or--4--quarter--credit course--

j\*) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).

k\*) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part 1283-204e).

l) The Department, upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy as of July 1, 1998, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1283.50 Application for Examination/Licensure

a) An applicant for examination shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

1) Verification, on forms provided by the Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral

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science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or

C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of years of work experience as defined in Section 1283.15 1283-20 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.

3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 1283-20 of this Part.

4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20.

5\*) A complete work history since graduation from a master's program.

65) The required fee set forth in Section 1283.95 of this Part 55-06 the-Act.

76) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) above and have his/her examination scores submitted to the Department directly from the testing entity.

c) In lieu of subsections (a)(1), (2), and (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.



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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1283.60 Endorsement**

a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;
- 2) ~~Certification of at least 2 years of professional work experience as set forth in Section 1283.26 of this Part;~~
- 3) ~~Verification of 200 hours of clinical supervision as defined in Section 1283.26;~~

2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;

3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part;

4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;

5) Certification of successful completion of the examination set forth in Section 1283.40;

6) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:

- A) The time during which the applicant was licensed/registered;
- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received;

7) A complete work history since graduation from a master's program; and

8) The required fee as set forth in Section 1283.95 55(4) of this Part ~~the Act~~.

b) In lieu of subsections (a)(1), (2), and (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.

c) The Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.

d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3

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years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1283.70 Renewal**

a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February of odd-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete 30 hours of continuing education pursuant to Section 1283.110 of this Part ~~required by Section 45-of the Act~~.

c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1283.100 Professional Conduct**

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.

b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.

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- c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal relationships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.
- d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.
- e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the Department. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action.
- f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.
- h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.
- i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.
- j) A therapist has the responsibility to be informed of other

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- professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.
- k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.
- l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.
- m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.
- n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.
- o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.
- p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:
- 1) Limitations mandated by the law.
  - 2) The prevention of clear and immediate danger to one or more persons.
  - 3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.
  - 4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.
  - 5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.
- q) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.
- r) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.
- s) The Department hereby incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, University Park Office, 1843 Austin Bluffs Parkway, Colorado Springs, Colorado 80918 Department--of--Sociology--B-130



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

Brackett-Hall-Clemson-South-Carolina--29634-1513, with no later amendments or editions.

- t) The Department hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 1133 15th Street N.W., Suite 300, 1100--17th--Street--NW,--19th--floor, Washington, D.C. 20005-2710 20036-4601, 1991, with no later amendments and editions.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1283.110 Continuing Education

## a) Continuing Education Hours Requirements

- 1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete within the prerenewal period 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.

- 2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.

- 3) One CE hour shall equal one clock hour.

- 4) ~~Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.~~

- 45) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

- 56) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

## b) Approved Continuing Education

- 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsection (b)(2), (3) and (4) below.

- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, university or graduate school of marriage and family therapy. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.

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- 3) CE credit may be earned for verified teaching in a college, university or graduate school of marriage and family therapy approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations).

- 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time the information is published or presented.

## c) Approved CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean the American Association for Marriage and Family Therapy and any other person, firm, association, corporation or group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

## A) Certification Certificate:

- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- iv) That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;

## DEPARTMENT OF PROFESSIONAL REGULATION

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- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;
  - Foster the enhancement of general or specialized work in the practice of marriage and family therapy;
  - Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - Specify the course objectives, course content and teaching methods to be used; and
  - Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all marriage and family therapists and not be limited to members of a single organization or group.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 8) To maintain approval as a sponsor, each sponsor shall submit to the Department by February of each odd-numbered year a renewal application, the fee required in Section 55(n) of the Act and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's

## DEPARTMENT OF PROFESSIONAL REGULATION

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certificate of attendance shall contain:

- The name, address and license number of the sponsor;
  - The name address of the participant;
  - A brief statement of the subject matter;
  - The number of hours attended in each program;
  - The date and place of the program; and
  - The signature of the sponsor.
- 10) The sponsor shall maintain attendance records for not less than 5 years.
- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 12) Upon the failure of a sponsor to comply with any one of the foregoing requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.
- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.
- d) Certification of Compliance with CE Requirements
- Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
  - The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (5 ILCS 100/10-65).
- e) Continuing Education Earned in Other Jurisdictions.
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to ~~after completion of the CE program-and-prior to expiration of the license.~~ The Board shall



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review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. ~~Applicants may seek individual program approval prior to participating in the program.~~

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness documented by a statement from a currently licensed physician;

C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and

D) Any other similar extenuating circumstance.

- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application is made by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Professional Geologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1252

- 3) Section Numbers: Proposed Action:  
1252.Appendix A New Section

- 4) Statutory Authority: Implementing the Professional Geologist Licensing Act [225 ILCS 745] and authorized by Section 60(7) of the Civil Administration Code of Illinois [20 ILCS 2105/60(7)].

- 5) A Complete Description of the Subjects and Issues Involved: Section 60 of the Act requires licensed geologists to obtain a seal with their license number; this proposed rulemaking implements that requirement.

- 6) Do these proposed Rules replace an emergency Rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed Rules contain incorporations by reference? No

- 9) Are there any other proposed Rules pending on this Part? Yes, at 22 Ill. Reg. 3401, February 13, 1998.

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax #: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing professional geological services.

B) Reporting, bookkeeping or other procedures required for compliance: Licensees must obtain a seal.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- C) Types of professional skills necessary for compliance: Professional geologist education and experience are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized January 1998

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

## PART 1252

## PROFESSIONAL GEOLOGIST LICENSING ACT

## Section

1252.10 Application for Licensure Without Examination (Grandfather)

1252.20 Application for Examination/Licensure

1252.30 Examination

1252.40 Approved Programs of Geology

1252.50 Experience

1252.60 Endorsement

1252.70 Renewal

1252.80 Fees

1252.90 Inactive Status

1252.100 Restoration

1252.110 Code of Professional Conduct and Ethics

1252.120 Granting Variances

## APPENDIX A Geologist Seal Requirements

AUTHORITY: Implementing the Professional Geologist Licensing Act [225 ILCS 745] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rule creating Sections 1252.10, 1252.40, 1252.50 and 1252.80 adopted at 21 Ill. Reg. 5647, effective April 22, 1997, for a maximum of 150 days; emergency expired on September 19, 1997; adopted at 21 Ill. Reg. 13827, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 3597, effective January 28, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.451 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments in new Section 140.451 establish requirements for pharmacies regarding patient counseling and drug review to identify potential drug therapy problems. These requirements specify that pharmacists must provide information to Medicaid recipients on the expected effects and potential problems associated with prescribed medications, and ensure that a prospective drug review of a recipient's drug therapy has been performed to identify possible areas of concern. This drug therapy review must include screening to identify therapeutic duplication, drug-disease contraindications, adverse drug-drug interactions, incorrect drug dosage and duration, and drug-allergy interactions.
- These provisions relating to patient counseling and drug review are required under federal regulations and are currently in effect in Illinois under the administrative rules of the Illinois Department of Professional Regulations that pertain to pharmacists. Therefore, these proposed amendments reflect present pharmacy practices relative to Medicaid recipients.
- These amendments will not result in any budgetary changes for the Department.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation           |
|-----------------|-----------------|--------------------------------------|
| 140.539         | Amendment       | February 20, 1998 (22 Ill. Reg.3727) |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

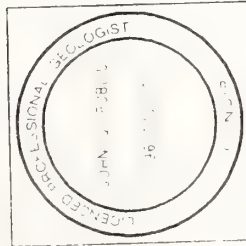
DEPARTMENT OF PROFESSIONAL REGULATION

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Section 1252.APPENDIX A Geologist Seal Requirements

1) In accordance with Section 60 of the Act, each licensee shall obtain, at his/her own expense, a seal or rubber stamp, 1 3/4 inches in diameter. The seal or stamp shall consist of concentric circles between which shall appear in capital letters "ILLINOIS" in the lower portion of the seal and "LICENSED PROFESSIONAL GEOLOGIST" in the upper portion of the seal. Within the inner circle of the seal shall appear the name of the licensee and the individual's license number.

2) The following is a suggested facsimile of the design and lettering of the seal:



(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Ave. E., 3rd Floor  
Springfield, IL 62763  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies enrolled as Medicaid providers.

B) Reporting, bookkeeping or other procedures required for compliance: Pharmacists are required to document refusals of offers of patient counseling.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF PUBLIC AID

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under Medical Assistance Programs  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under General Assistance  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen  
140.8 Who Do Not Qualify for AFDC and Children Under Age Eight  
140.9 Medical Assistance For Qualified Severely Impaired Individuals  
140.10 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
140.22 Magnetic Tape Billings  
140.23 Payment of Claims  
140.24 Payment Procedures  
140.25 Overpayment or Underpayment of Claims  
140.26 Payment to Factors Prohibited



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140.27 Assignment of Vendor Payments  
 140.28 Record Requirements for Medical Providers  
 140.30 Audits  
 140.31 Emergency Services Audits  
 140.32 Prohibition on Participation, and Special Permission for Participation  
 140.33 Publication of List of Terminated, Suspended or Barred Entities  
 140.35 False Reporting and Other Fraudulent Activities  
 140.40 Prior Approval for Medical Services or Items  
 140.41 Prior Approval in Cases of Emergency  
 140.42 Limitation on Prior Approval  
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained  
 140.55 Recipient Eligibility Verification (REV) System  
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
 140.72 Voucher Advance Payment and Expedited Payments  
 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section  
 140.80 Hospital Provider Fund  
 140.82 Developmentally Disabled Care Provider Fund  
 140.84 Long Term Care Provider Fund  
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
 140.95 Hospital Services Trust Fund  
 140.96 General Requirements (Recodified)  
 140.97 Special Requirements (Recodified)  
 140.98 Covered Hospital Services (Recodified)  
 140.99 Hospital Services Not Covered (Recodified)  
 140.100 Limitation On Hospital Services (Recodified)  
 140.101 Transplants (Recodified)  
 140.102 Heart Transplants (Recodified)  
 140.103 Liver Transplants (Recodified)  
 140.104 Bone Marrow Transplants (Recodified)  
 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
 140.116 Payment for Inpatient Services for GA (Recodified)  
 140.117 Hospital Outpatient and Clinic Services (Recodified)  
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)  
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
 140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
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 140.412 Services Not Covered By Physicians  
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 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services

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140.429 Limitations on Chiropractic Services (Repealed)  
 140.430 Independent Laboratory Services  
 140.431 Services Not Covered by Independent Laboratory  
 140.432 Limitations on Independent Laboratory Services  
 140.433 Payment for Laboratory Services  
 140.434 Record Requirements for Independent Laboratories  
 140.435 Nurse Services  
 140.436 Limitations on Nurse Services  
 140.440 Pharmacy Services  
 140.441 Pharmacy Services Not Covered  
 140.442 Prior Approval of Prescriptions  
 140.443 Filling of Prescriptions  
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 140.446 Over-the-Counter Items  
 140.447 Reimbursement  
 140.448 Returned Pharmacy Items  
 140.449 Payment of Pharmacy Items  
 140.450 Record Requirements for Pharmacies  
 140.451 Prospective Drug Review and Patient Counseling  
 140.452 Mental Health Clinic Services  
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 140.454 Types of Mental Health Clinic Services  
 140.455 Payment for Mental Health Clinic Services  
 140.456 Hearings  
 140.457 Therapy Services  
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 140.459 Payment for Therapy Services  
 140.460 Clinic Services  
 140.461 Clinic Participation, Data and Certification Requirements  
 140.462 Covered Services in Clinics  
 140.463 Clinic Service Payment  
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)  
 140.465 Speech and Hearing Clinics (Repealed)  
 140.466 Rural Health Clinics  
 140.467 Independent Clinics  
 140.469 Hospice  
 140.470 Home Health Services  
 140.471 Home Health Covered Services  
 140.472 Types of Home Health Services  
 140.473 Prior Approval for Home Health Services  
 140.474 Payment for Home Health Services  
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 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made  
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 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices  
 140.479 Limitations, Medical Supplies

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140.480 Equipment Rental Limitations  
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices  
 140.482 Family Planning Services  
 140.483 Limitations on Family Planning Services  
 140.484 Payment for Family Planning Services  
 140.485 Healthy Kids Program  
 140.486 Limitations on Medichesk Services (Repealed)  
 140.487 Healthy Kids Program Timeliness Standards  
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures  
 140.490 Medical Transportation  
 140.491 Limitations on Medical Transportation  
 140.492 Payment for Medical Transportation  
 140.493 Payment for Helicopter Transportation  
 140.495 Psychological Services  
 140.496 Payment for Psychological Services  
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Long Term Care Services  
 Cessation of Payment at Federal Direction  
 Cessation of Payment for Improper Level of Care  
 Cessation of Payment Because of Termination of Facility  
 Continuation of Payment Because of Threat To Life (Repealed)  
 Provider Voluntary Withdrawal  
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 Long Term Care Services Covered by Department Payment  
 Utilization Control  
 Utilization Review Plan (Repealed)  
 Certifications and Recertifications of Care  
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 Correspondent Management of Funds  
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 Use or Accumulation of Funds  
 Management of Recipient Funds--Local Office Responsibility  
 Room and Board Accounts  
 Reconciliation of Recipient Funds  
 Bed Reserves  
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 Quality Incentive Program (QUIP) Payment Levels  
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 Quality Incentive Survey (Repealed)  
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140.529	Reviews (Repealed)
140.530	Basic of Payment for Long Term Care Services
140.531	General Service Costs
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140.907 Midnight Census Report (Recodified)  
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TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;



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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18088, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.211 at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19734, effective November 6, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 620, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.451 Prospective Drug Review and Patient Counseling

Each pharmacy must ensure that:

- a) The requirements for patient counseling established by the Illinois Department of Professional Regulation at 68 Ill. Adm. Code 1330.65.



DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Proposed Action:  
500.270 Amendment  
500.345 Amendment
- 4) Statutory Authority: 35 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the records requirements of the Motor Fuel Tax regulations by requiring beginning and ending odometer readings to be documented on a trip report. It also makes a minor change as a result of P.A. 90-491.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:  
A) Types of small businesses, small municipalities and not for profit corporations affected: Motor Fuel Use Tax Licensees  
B) Reporting, bookkeeping or other procedures required for compliance: Minimal  
C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

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including the requirements of confidentiality and documentation of refusal of offers of patient counseling by recipients, are met on a continuing basis.

- b) Before each prescription is delivered to the recipient or the recipient's care giver, a pharmacist must ensure that a review of the recipient's drug therapy (prospective drug review or drug utilization evaluation) was performed using commonly accepted drug review criteria. The review must include screening to identify potential drug therapy problems of the following types:

- 1) Therapeutic duplication, including the prescribing and dispensing of two or more drugs from the same therapeutic class such that the combined daily dose puts the recipient at risk of an adverse medical result or incurs additional program costs without additional therapeutic benefit;
  - 2) Drug-disease contraindication when there is the potential for, or the occurrence of, an undesirable alteration of the therapeutic effect of a given drug because of the presence of a disease condition known to the pharmacist or that may reasonably be expected to be known to the pharmacist, or an adverse effect of the drug on the patient's disease condition;
  - 3) Adverse drug-drug interaction when there is the potential for, or occurrence of, a clinically significant adverse medical effect as the result of the recipient using two or more drugs together;
  - 4) Perceived incorrect drug dosage or duration; and
  - 5) Drug-allergy interactions.
- c) Commonly accepted drug review criteria are those criteria that are consistent with peer-reviewed medical literature (that is, scientific, medical and pharmaceutical publications in which original manuscripts are rejected or published only after having been critically reviewed by unbiased independent experts) and the following compendia:
- 1) American Hospital Formulary Service Drug Information;
  - 2) United States Pharmacopeia-Drug Information;
  - 3) American Medical Association Drug Evaluations;
  - 4) DRUG DEX Information System; and
  - 5) Facts and Comparisons.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 500  
MOTOR FUEL TAX

## SUBPART A: DEFINITIONS

Section	Definitions
500.100	Definition of Receiver (Repealed)
500.101	Definition of Loss (Repealed)
500.102	

## SUBPART B: MOTOR FUEL TAX

Section	Basis and Rate of the Motor Fuel Tax
500.200	Licensure
500.201	Basis and Rate of Tax Payable by Receivers
500.202	Monthly Returns
500.203	Report of Loss of Motor Fuel
500.204	Daily Gallonage Record
500.205	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.210	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.215	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.220	Other Vehicles (Repealed)
500.225	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.230	Claims for Refund - Invoices
500.235	Sales of Special Fuel - Variation in Usage
500.240	Estimated Claims Not Acceptable
500.245	Claimants Owning Motor Vehicles (Repealed)
500.250	Detailed Answers
500.255	Revocation of License, Etc. - Notice - Hearing
500.260	Distributors' and Suppliers' Claims for Credit or Refund
500.265	Receivers' Claims for Credit
500.270	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.275	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.280	Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.285	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.290	Cost of Collection - Determination (Repealed)
500.295	



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SUBPART C: MOTOR FUEL USE TAX

- Section
- 500.300 Licensure
- 500.301 Special Motor Fuel Permits and Decals (Repealed)
- 500.302 Motor Carrier's Quarterly Report (Repealed)
- 500.305 Licenses and Decals
- 500.310 Display of License and Decals
- 500.315 Renewal of Decals and Licenses
- 500.320 Single Trip Permits
- 500.325 Licensure of Lessors and Lessees
- 500.330 Cancellation of License
- 500.335 Quarterly Payment and Reporting
- 500.340 Credits and Refunds
- 500.345 Records Requirements
- 500.350 Revocation
- 500.355 Protest Procedures
- 500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
- 500.400 General Information
- 500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

- Section
- 500.500 Licenses and Permits Are Not Transferable
- 500.501 Blenders' Permits Are Not Transferable (Repealed)
- 500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

- Section
- 500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill.

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Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: MOTOR FUEL TAX

Section 500.270 Receivers' Claims for Credit

Any receiver who has paid the tax imposed by Section 2a of the Motor Fuel Tax Law (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may reasonably require. The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to such receiver's legal representative. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given. (Section 13a.8 of the Law) Claims filed under this Section for overpayment of the tax imposed by Section 2a of the Law approved by the Department shall bear interest at the rate and in the manner set by the Uniform Penalty and Interest Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART C: MOTOR FUEL USE TAX

Section 500.345 Records Requirements

- a) Each licensee shall maintain records to substantiate information reported on the quarterly tax report. Records shall be preserved

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for a period of four years from the due date of the return or the date filed, whichever is later. Records may be kept on microfilm, microfiche, or other computerized or condensed record storage system. Such records, for IFTA licensees, shall be made available upon request of any member jurisdiction.

- b) Non-compliance with any recordkeeping requirement may be cause for revocation of the license.
- c) Failure to provide records demanded for the purpose of audit extends the statute of limitations until the records are provided. Successive failures to adequately respond to a demand for records relate back to the first demand.
- d) Bulk storage fuel purchases and withdrawals and over-the-road purchases are to be accounted for separately.
- e) Fuel records shall contain the following items:
  - 1) the date of each receipt of fuel;
  - 2) the name and address of the person from whom purchased or received;
  - 3) the number of gallons received;
  - 4) the type of fuel; and
  - 5) the vehicle or equipment into which the fuel was placed.
- f) All licensees shall, in addition, maintain detailed distance records which show operations on an individual-vehicle basis. Such records shall contain but not be limited to:
  - 1) both taxable and non-taxable usage of fuel;
  - 2) distance traveled for taxable and non-taxable use; and
  - 3) distance recaps for each vehicle for each jurisdiction in which the vehicle operated.

The Individual Vehicle Mileage Record (IVMR) required by the International Registration Plan is an acceptable source document for recording vehicle distance information. Another acceptable source document is a trip report which includes the information in subsection (f)(1)-(3), as well as the date of trip (starting and ending), trip origin and destination (including city and state), routes of travel, and/or beginning and ending odometer readings, vehicle unit number, vehicle fleet number and licensee's name.

- g) On-Board Recording Devices. On-board recording devices may (at the option of the carrier) be used in lieu of or in addition to handwritten trip reports for fuel tax reporting. On-board recording devices may be used alone or in conjunction with an electronic computer system, or in conjunction with manual systems.

- 1) All recording devices used to generate trip reports or used in conjunction with manual systems must meet the requirements shown in subsections (g)(3) and (4) below. When the on-board recording device is used in conjunction with an electronic computer system and reports are prepared on the basis of data downloaded from the recording device, the overall system must meet the requirements of subsections (g)(4), (5) and (7).
- 2) Use of On-Board Recording Device Only. When the device is to

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be used alone, printed reports must be produced which replace the handwritten trip reports. The printed trip reports shall be retained for audit. Vehicle and fleet summaries which show miles and kilometers by jurisdiction must then be prepared manually.

- 3) Use of On-Board Recording Device in Conjunction with Electronic Computer System. When the computer system is designed to produce printed trip reports, vehicle and fleet summaries which show miles and kilometers by jurisdiction must also be prepared. When the printed trip reports will not be retained for audit, the system must have the capability of producing, upon request, the reports indicated in subsection (g)(7).
- 4) Minimum Device Requirements. Minimum device requirements include the following:
  - A) The carrier must obtain a certificate from the manufacturer certifying that the design of the on-board recording device has been sufficiently tested to meet the requirements of this provision.
  - B) The on-board recording device and associated support systems must be, to the maximum extent practicable, tamper proof and must not permit altering of the information collected. Editing of copies of the original information collected will be allowed, but all editing must be identified and both the edited and original data must be recorded and retained.
  - C) The on-board recording device shall warn the driver visually and/or audibly that the device has ceased to function.
  - D) The device must time and date stamp all data recorded.
  - E) The device must not allow data to be overwritten before the data has been extracted. The device shall warn the driver visually and/or audibly that the device's memory is full and can no longer record data.
  - F) The device must automatically update a life-to-date odometer when the vehicle is placed in motion or the operator must enter the current vehicle odometer reading when the on-board recording device is connected to the vehicle.
  - G) The device must provide a method for the driver to confirm that the entered data is correct (e.g., a visual display of the entered data that can be reviewed and edited by the driver before the data is finally stored).
- 5) Data collection. To obtain the information needed to verify fleet distance, to prepare the "Individual Vehicle Distance Record(s)" (IVDR), and for fuel tax purposes, the device must collect the following data on each trip:
  - A) date of trip (starting and ending);



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- B) trip origin and destination (location code is acceptable);
- C) routes of travel;
- D) beginning and ending odometer or hubodometer reading of the trip;
- E) total trip distance;
- F) distance by jurisdiction;
- G) power unit number or vehicle identification number;
- H) vehicle fleet number;
- I) registrant's name;
- J) driver ID or name;
- K) intermediate trip stops;
- L) date of purchase;
- M) seller's name and address (vendor code acceptable);
- N) number of gallons purchased;
- O) fuel type (may be referenced from vehicle file);
- P) price per gallon or total amount of sale (required only for purchases from vendors);
- Q) unit numbers; and
- R) purchaser's name (in the case of lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).
- 6) For purposes of bulk fuel tax, the device must collect, in addition to the items in subsection (g)(5)(A)-(R), the following data:
- A) date of withdrawal;
- B) number of gallons;
- C) fuel type;
- D) unit number; and
- E) purchase and inventory records to substantiate that tax was paid on all bulk purchases.
- 7) Capability of System to Produce Reports. Generally speaking, the reports referred to in this subsection are not prepared by the on-board recording device. Instead, these reports are prepared using an electronic computer system which accepts data from the on-board recording device. The system must be able to produce the following reports:

- A) For each trip, an Individual Vehicle Distance Record (IVDR) report that includes the information required in subsection (g)(5) (Note: this report may be more than one page);
- B) A report that indicates when the on-board recording device was last calibrated and the calibration method used;
- C) An exception report(s) that identifies all edited data, omissions of required data (see subsection (g)(5)), system failures, noncontinuous life-to-date odometer readings, travel to noncontiguous states, and trips where the location of the beginning trip is not the location of the previous trip;

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- D) A monthly, quarterly, and annual summary of vehicle trips by vehicle number showing miles or kilometers by jurisdiction;
- E) Monthly, quarterly, and annual trip summaries by fleet showing the number of miles or kilometers by jurisdictions.
- 8) Carrier Responsibilities. All carriers must observe the following requirements:
- A) It is the carrier's responsibility to recalibrate the on-board recording device when tire size changes, the vehicle drive-train is modified, or any modifications are made to the vehicle which affect the accuracy of the on-board recording device. The device must be maintained and recalibrated in accordance with the manufacturer's specifications. A record of recalibrations must be retained for the audit retention period.
- B) It is the carrier's responsibility to assure its drivers are trained in the use of the computer system. Drivers shall be required to note any failure of the on-board recording device and to prepare manual trip reports of all subsequent trip information until the device is again operational.
- C) It is the carrier's responsibility to maintain a second copy (back-up copy) of the electronic files either electronically or in paper form for the audit retention period.
- D) It is the carrier's responsibility to assure the entire record-keeping system meets the requirements of the Department. It is suggested that the carrier contact the Department's audit division for verification of audit compliance prior to implementation.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act

2) Code Citation: 86 Ill. Adm. Code 530

3) Section Numbers: Proposed Action:  
530.125 Amendment

4) Statutory Authority: 320 ILCS 25

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the Circuit Breaker Program regulations at the request of the Department's Circuit Breaker Section. Section 3.16 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act ("Circuit Breaker") requires the Department to determine the reasonable cost of covered prescription drugs for which payments are made under the Act. The term "reasonable cost" includes (among other things) an amount for a professional dispensing fee, which must be determined annually by the Department. This proposed regulation amends procedures for determining the reasonable cost of covered prescription drugs and establishes procedures and methodologies for conducting the annual survey to determine the amount of the professional dispensing fee. Further, this regulation includes reimbursement limitations for prescription drugs covered under the program.

6) Will this proposed rule replace an emergency rule currently in effect: No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: This proposed amendment does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Paul S. Caselton  
Associate Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62708  
(217) 782-7055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Only those small businesses operating as pharmacies that are authorized to participate in the Circuit Breaker program will be affected.

B) Reporting, bookkeeping or other procedures required for compliance: The affected businesses will not be required to implement any additional reporting, bookkeeping or other procedures to comply with the provisions of this rulemaking. Department employees will be required to complete those procedures necessary for conducting the annual survey of professional dispensing fees charged by authorized pharmacies and any related procedures required to analyze such data.

C) Types of professional skills necessary for compliance: No professional skills will be necessary for participating businesses to implement the provisions of this rulemaking. However, Department employees will need analytical skills to gather the appropriate data and conduct a rate analysis of such data, subsequently developing the "reasonable cost" figure that will be used to reimburse authorized pharmacies for pharmaceutical services.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment(s) begins on the next page:



DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 530  
SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND PHARMACEUTICAL ASSISTANCE ACT

- Section  
530.101 Purpose of the Program  
530.105 Definitions  
530.110 Covered Prescription Drugs  
530.115 Qualifications for Beneficiaries  
530.120 Identification Card  
530.125 Determination of Cost of Covered Prescription Drugs  
530.130 Qualification of Pharmacies  
530.135 Assignment and Coordination of Benefits  
530.140 Payments to Qualified Pharmacies  
530.145 Execution of Contracts  
530.150 Limitation on Prescription Size  
530.155 Inspection of Records  
530.160 Establishment of Liens  
530.165 Penalties

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 530.125 Determination of Cost of Covered Prescription Drugs

- a) ~~The From-a-survey-to-be-conducted--at-least-every--12--months--the~~ Department shall determine the reasonable cost of covered prescription drugs for which payment is made to an authorized pharmacy. The Department shall pay an authorized pharmacy the reasonable cost of pharmaceutical services that such pharmacy provided to a program participant pursuant to a physician's prescription authorization. ~~The survey--shall--be-conducted-for-the-purpose-of-determining-the-average professional-fee-charged-by-authorized-pharmacies--in--the--State--of Illinois--and--the--actual--acquisition--cost--of-covered-prescription drugs--The-survey-will-consist-of-audits--of--the-business--records profit--and--loss--statement--and-other-pertinent-data--such-as-pharmacy type--location--hours-of--operation--and--floor--area--for--dispensing drugs--~~
- b) ~~The--following--broad--categories--or--classifications-of-data-will-be collected-and-analyzed:~~

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- 1) ~~Personnel-costs~~  
2) ~~Direct-prescription-expenses~~  
3) ~~Direct-store-expenses~~  
4) ~~Overhead-expenses~~  
5) ~~Other-direct-costs~~  
c) ~~The-selection-of-pharmacies-to-be-audited-in-this-survey-will-be-a systematic--sample--based-upon-geography--type-of-ownership--and-level of-services-provided.~~  
d) ~~As-a-part-of-the-survey--the-Department-will-also-conduct-a-broad-rate analysis-of-other-similar-private--and--governmental--drug--dispensing programs.~~  
b) ~~Determination of Reasonable Cost. The reasonable cost (or payment) shall be an amount equal to:~~  
1) ~~the lesser of:~~  
A) ~~the Average Wholesale Price minus 10% for pharmaceutical product, based on the National Drug Code (NDC) number for the original package size from which such pharmaceutical product was dispensed; or~~  
B) ~~the Maximum Allowable Cost (MAC) for such pharmaceutical product as set forth in the Pharmaceutical Assistance Program's MAC list; plus~~  
2) ~~the professional dispensing fee; less~~  
3) ~~any applicable copayments, deductibles and ancillary charges.~~  
c) ~~Professional Dispensing Fee. On an annual basis, the Department shall conduct a survey to determine the professional dispensing fee charged by authorized pharmacies.~~  
1) ~~The survey will consist of a broad rate analysis of other similar private and governmental drug dispensing programs, including organizations within and outside Illinois. The survey will be conducted as follows:~~  
A) ~~The Department will contact those other states that have pharmaceutical assistance programs similar to the Illinois program and obtain information concerning current dispensing fees as well as information on any plans to modify the fees within the next 12 months.~~  
B) ~~The Department will contact private sector businesses with similar programs and obtain fee information from those businesses.~~  
C) ~~The Department will contact the Illinois Department of Public Aid and the public aid departments of the surrounding states to obtain fee rates under the various Medicaid programs.~~  
2e) ~~The entire results of the broad rate analysis will then be evaluated to determine for an appropriate professional dispensing fee rate that will be used by the Department. The professional dispensing fee so determined will be used in subsection (b) of this Section to determine reasonable cost.~~  
3f) ~~The professional dispensing fee is \$3.30 per prescription drug~~

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order or refill for the period July 1, 1985, through August 10, 1986. For drugs dispensed on or after August 11, 1986, and prior to July 1, 1987, the professional dispensing fee shall be \$3.60 per prescription. The professional dispensing fee shall be adjusted as of July 1, 1987, and July 1 of each year thereafter in accordance with the results of the survey prescribed in this subsection (c) above.

## d) Reimbursement

1) Reimbursement will be allowed for all prescription medications approved by the Food and Drug Administration, U.S. Department of Agriculture, for the treatment of cardiovascular disease, diabetes and arthritis.

2) Reimbursement will be at the generic price, unless a brand name product is dispensed for which there is no generic equivalent.

e) Pharmacy's Cost of On-line Communications. Each authorized pharmacy participating in the Pharmaceutical Assistance Program shall pay all costs, charges and fees incurred by the Pharmacy that are related to on-line communication and the processing of claims or other information sent to or from the Department or the Department's designees.

fg) The reasonable cost of covered prescription drugs available to beneficiaries in the Program shall not exceed the cost of such drugs when dispensed to the general public.

gh) In the event that generic equivalents for covered prescription drugs are available at lower cost, the Department shall establish the maximum acquisition cost(s) for such covered prescription drugs at the lower generic cost.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special County Retailers' Occupation Tax For Public Safety
- 2) Code Citation: 86 Ill. Adm. Code 670
- 3) Section Numbers: Proposed Action:  
670.101 Amendment  
670.130 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b29
- 5) A Complete Description of the Subjects and Issues Involved: In response to Public Acts 90-190 and 90-267, this rulemaking amends the Special County Occupation Tax For Public Safety Law by providing that if a county imposes a tax under the Law, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with the Law in order to increase the rate of tax or to reimpose the discontinued tax. In addition, this rulemaking provides that "public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services.

6) \$ Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:



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- A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers in a county imposing the Special County Retailers' Occupation Tax For Public Safety
- B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was unanticipated at that time.
- The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 670  
SPECIAL COUNTY RETAILERS' OCCUPATION TAX FOR PUBLIC SAFETY

Section	Nature of the Special County Retailers' Occupation Tax For Public Safety
670.101	Safety
670.105	Registration and Returns
670.110	Claims to Recover Erroneously Paid Tax
670.115	Jurisdictional Questions
670.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
670.125	Penalties, Interest and Procedures
670.130	Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b29].

SOURCE: Adopted at 20 Ill. Reg. 13065, effective September 24, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 670.101 Nature of the Special County Retailers' Occupation Tax For Public Safety

a) Authority to Impose Tax

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with this State's government, at retail in the county on the gross receipts from sales made in the course of such business to provide revenue to be used exclusively for public safety purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. "Public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services. If imposed, such tax shall only be imposed in 1/4% increments. This additional tax may not be imposed on the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and

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*needs used by diabetics* (Section 5-1006.5 of the Code). The tax imposed by a county under the Code and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

## b) Passing on the Tax

The legal incidence of the Special County Retailers' Occupation Tax For Public Safety is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Special County Retailers' Occupation Tax For Public Safety Law to reimburse themselves for their sellers' Special County Retailers' Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

## c) Exclusion from "Gross Receipts"

Any amount added to the selling price of tangible personal property by the seller because of a Special County Retailers' Occupation Tax For Public Safety, or because of the Illinois Retailers' Occupation Tax, or as Illinois Use Tax, and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such Special County Retailers' Occupation Tax For Public Safety.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 670.130 Effective Date

If a county imposes a tax under the Special County Occupation Tax For Public Safety Law (Law), the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board has lowered the tax rate or discontinued the tax, a referendum must be held in accordance with Section 5-1006.5 of the Law prior to subsequent increases of the rate or reimposition of the tax in order to increase the rate of the tax or to reimpose the discontinued tax. An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the ~~Special-County-Retailers'-Occupation-Tax-For Public-Safety~~ Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale is deemed to be the date of the delivery of the property.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) Heading of the Part: Special County Service Occupation Tax For Public Safety
- 2) Code Citation: 86 Ill. Adm. Code 680
- 3) Section Numbers: Proposed Action:  
680.101 Amendment  
680.130 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b29
- 5) A Complete Description of the Subjects and Issues Involved: In response to Public Acts 90-190 and 90-267, this rulemaking amends the Special County Occupation Tax for Public Safety Law by providing that if a county imposes a tax under the Law, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with the Law in order to increase the rate of the tax or to reimpose the discontinued tax. In addition, this rulemaking provides that "public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:  
  
Gina Roccaforte  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:



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A) Types of small businesses, small municipalities and not for profit corporations affected: Servicemen in a county imposing the Special County Service Occupation Tax For Public Safety.

B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was unanticipated at that time.

The full text of the Proposed Amendment begins on the next page:

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 680  
SPECIAL COUNTY SERVICE OCCUPATION TAX FOR PUBLIC SAFETY

Section

- 680.101 Nature of the Special County Service Occupation Tax For Public Safety
- 680.105 Registration and Returns
- 680.110 Claims to Recover Erroneously Paid Tax
- 680.115 Jurisdictional Questions
- 680.120 Incorporation of Service Occupation Tax Regulations by Reference
- 680.125 Penalties, Interest and Procedures
- 680.130 Effective Date

**AUTHORITY:** Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b29].

**SOURCE:** Adopted at 20 Ill. Reg. 13073, effective September 24, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 680.101 Nature of the Special County Service Occupation Tax For Public Safety**

a) **Authority to Impose Tax**

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of making sales of service in such county, at the same rate of tax imposed pursuant to Section 5-1006.5 of the selling price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to such sale of service to provide revenue to be used exclusively for public safety purposes in that county. "Public safety" includes, but is not limited to, fire fighting, police, medical ambulance, or other emergency services. If imposed, such tax shall only be imposed in 1/4% increments. The tax imposed by a county under the Code and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b) **Passing on the Tax**

Servicemen are required to collect the Special County Service Occupation Tax For Public Safety (when applicable) from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the

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Special County Service Occupation Tax For Public Safety is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Special County Service Occupation Tax For Public Safety Law to reimburse themselves for their servicemen's Special County Service Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act [35 ILCS 110], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

## c) Exclusion from "Cost Prices"

Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of a Special County Service Occupation Tax For Public Safety, or because of the Illinois Service Occupation Tax [35 ILCS 115], the Non-Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-5], the Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-1.4], the Metro East Mass Transit District Service Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Service Occupation Tax [70 ILCS 3720/4(c)], shall not be regarded as a part of the selling price which is subject to such Special County Service Occupation Tax For Public Safety.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 680.130 Effective Date

If a county imposes a tax under the Special County Occupation Tax For Public Safety Law (Law), the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board has lowered the tax rate or discontinued the tax, a referendum must be held in accordance with Section 5-1006.5 of the Law prior to subsequent increases of the rate or reimposition of the tax in order to increase the rate of the tax or to reimpose the discontinued tax. An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the Special County Service Occupation Tax For Public Safety Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman retransfers as an incident to service.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of The Part: Firearm Transfer Inquiry Program2) Code Citation: 20 Ill. Adm. Code 12353) Section Numbers: Proposed Action:

1235.20	Amendment
1235.60	Amendment
1235.90	Amendment
1235.110	Amendment
1235.130	Amendment

4) Statutory Authority: Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].5) A Complete Description of the Subjects and Issues Involved: This amendment clarifies and describes the procedures for terminating access to the Firearm Transfer Inquiry Program for those federally-licensed firearm dealers who fail to follow the requirements of this Part.6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the date of publication of this Notice, any interested person may submit comments, data, views, or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Mr. James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
P.O. Box 19461  
Springfield, IL 62794-9461  
217/782-7658



DEPARTMENT OF STATE POLICE  
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not for profit corporations affected: Federally-licensed firearm dealers
- B) Reporting, bookkeeping, or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF STATE POLICE  
NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1235  
FIREARM TRANSFER INQUIRY PROGRAM

Section	Purpose
1235.10	Purpose
1235.20	Definitions
1235.30	Federal and State Laws and Local Ordinances
1235.40	Hours of Operation
1235.50	Holidays
1235.60	Enrollment
1235.70	Inquiry Requirement
1235.80	Inquiry Procedure
1235.90	Response Procedures
1235.100	Denial Notification
1235.110	Transfer of Firearms
1235.120	Fees
1235.130	Termination of Services <del>Failure-to-Pay-Fees</del>

**AUTHORITY:** Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 17785, effective December 1, 1991, for 150 days; adopted at 16 Ill. Reg. 7041, effective April 21, 1992; amended at 22 Ill Reg \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1235.20 Definitions**

Unless specified otherwise, all terms shall have the meaning set forth in Section 1.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/1.1] (~~Ill.-Rev.-Stat.-1991-ch.-30, par.-83-1-1}{the-Act}~~).

"Act means Firearm Owner's Identification Card Act [430 ILCS 65].

"Dealer" means a federally-licensed firearm dealer under the provisions of 18 U.S.C. 921 et seq.

"Department" means the Illinois Department of State Police.

"Firearm Transfer Inquiry Program" means the functional unit within the Bureau of Identification of the Department responsible for providing federally-licensed firearm dealers in the State of Illinois with a dial-up telephone system to determine the current eligibility of a transferee to acquire firearms.

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"Transfer" means selling, assigning, pledging, leasing, loaning, giving away, pawning, redeeming, or otherwise disposing of firearms occurring at a single point in time. Transfer of more than one firearm to a single transferee at a single point in time is considered a single transfer.

"Transferee" means the recipient of a transfer.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1235.60 Enrollment

All dealers must be enrolled in the Firearm Transfer Inquiry Program prior to transferring firearms. Federally-licensed firearm dealers in Illinois may enroll by completing the dealer enrollment form provided by the Department. These forms may be obtained from the Firearm Transfer Inquiry Program, P.O. Box 3677, Springfield, IL 62708-3677 ~~Bureau of Identification-260--North--Chicago Street--361st--Illinois-60432-1060~~. The Department shall not charge a fee to enroll. The Department shall provide enrolled dealers with a unique number to be used when inquiring into the Firearm Transfer Inquiry Program.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1235.90 Response Procedures

The Department shall provide, during the initial dealer inquiry, an approval, denial, or conditional denial of the transfer. The time period for the Department to respond shall begin at the time the inquiry is received. When the Department provides a conditional denial, the dealer shall not transfer the firearm until an approval is provided by the Department or the length of time prescribed in Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24.3] ~~Rev--Stat--1991--ch--98--par--24-3~~ has been exceeded. If the Department has not provided an approval or denial within the prescribed length of time, the dealer may proceed with the transfer. Failure of the Department to provide an approval or denial within the prescribed length of time does not relieve the dealer from compliance with any other statutory restrictions on firearm transfers.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1235.110 Transfer of Firearms

The transfer of the firearm(s) associated with a particular inquiry shall only occur after the withholding of delivery provisions of Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24-3] ~~Rev--Stat--1991--ch--98--par--24-3~~

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24-3) and within 30 days after the approval to transfer provided by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1235.130 Termination of Services ~~Failure-to-Pay-Fees~~

a) If a dealer fails to pay for the 900 number service, which will be included in the dealer's normal telephone bill, within 30 days after its due date, the Department shall notify the dealer that failure to pay this bill will result in termination of services.

b) If a dealer fails to pay for the 900 number service within 60 days after its due date, the Department shall terminate Firearm Transfer Inquiry Program services to the dealer.

c) If a dealer fails to comply with any of the requirements of this Part, the Department shall notify the dealer of the non-compliance. The dealer shall have 30 days from notification of non-compliance in which to respond to the Department.

d) If a dealer fails to respond to a notice of non-compliance or if the response fails to resolve the non-compliance to the satisfaction of the Department, the Department shall terminate Firearm Transfer Inquiry services to the dealer.

e) If a dealer's continued access to Firearm Transfer Inquiry Program services would result in a violation of law or create a danger to the public, services may be suspended immediately.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) Section Numbers: Adopted Action:  
252.20 Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24
- 5) Effective Date of Amendments: April 17, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain an incorporation by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: April 13, 1998
- 9) Notice(s) of proposal published in Illinois Register: 21 Ill. Reg. 15296; December 5, 1997.
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: No changes have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? No changes were requested by JCAR.
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of the amendments: P.A. 90-369, effective January 1, 1998, made substantial changes in the Illinois Vehicle Code relative to instructional permits and driver's licenses for individuals less than 21 years old. In particular, the new law requires that in order to receive a "graduated" driver's license, an individual less than 18 years old must have held a valid instructional permit for a minimum of three months and logged 25 hours of behind-the-wheel practice with a parent, legal guardian or other responsible adult.  
  
Section 252.20(c)(8) of the rules, however, prohibited driver education instructors from issuing an instructional permit to a student more than two weeks before the student starts behind-the-wheel instruction, regardless of whether the student had otherwise qualified to hold the

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- permit. This requirement has been eliminated.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Marcia Sailsbury  
Funding and Disbursement Services  
Illinois State Board of Education  
100 North First Street, E-320  
Springfield, IL 62777-0001  
(217) 782-3910

The full text of the adopted amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER g: SPECIAL COURSES OF STUDY

## PART 252

## DRIVER EDUCATION

## Section

252.10	Definitions
252.20	Administration and Procedures
252.25	Eligibility of Students
252.30	The Terms of Reimbursement for Public School Participation in the Program
252.40	Driver Education Teacher Requirements
252.50	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by Sections 27-23 and 27-24 the School Code [105 ILCS 5/27-23 and 27-24].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631; amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. 7577-3 effective

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## Section 252.20 Administration and Procedures

- a) Availability of the Course -- Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 and 27-24.2 as amended by 27-24-2007 effective January 17, 1994] are consistent in that under both Sections the public school district offering courses in grades nine through twelve must provide the driver education course for any legal resident of the district between the ages of 15 and 21 years who requests the course, provided such resident is eligible as set forth in Sections 27-23 and 27-24.2.

- 1) Public high school districts must provide the approved driver education course for all eligible students of the district who attend an independent, parochial, or private school that does not offer the course.
- 2) Independent, parochial, or private schools may offer an approved driver education course at their own expense. The course must be complete to meet the requirements for certification of students.
- 3) Public high school districts must provide the driver education

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course for all eligible Illinois students, regardless of the district of their residence, who attend an independent, parochial, or private school which is located within that school district's boundaries when application is made by the administrators of the independent, parochial, or private school. By April 1, the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such a course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15.

- 4) An eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.

- 5) School districts are obligated to make the driver education course available within a reasonable length of time after a request has been filed. (Reasonable length of time is based on a student's individual needs and the school district's ability to meet the student's needs.)

- b) When to Offer the Course -- Any high school district offering an approved driver education course must offer the course during the school day and may offer the course at other times.

- 1) The driver education course may not be offered only during the summer months or extended school days.

- 2) Enrollment in a driver education course must be closed at the inception of the course. Another course may be started when enrollment warrants.

- c) Program Organization -- Approved driver education courses must be organized according to the standards established in Section 27-24 et seq. of the School Code (the Driver Education Act) and this Part.

- 1) Any student who is enrolled in a driver education course should receive classroom and laboratory instruction at the same school or public school district.

- 2) When circumstances make it necessary or beneficial for a student to receive laboratory instruction from a school other than that from which he or she received classroom instruction, official verification of satisfactory completion of the classroom portion and parental consent must be on file in the office of the management or the chief school officer of a school or public school district before laboratory instruction only shall be given. Examples of such circumstances are listed below.

- A) A student changes the district of his or her residence after classroom completion.
- B) A student is a resident of the district but attends an approved school outside of the State of Illinois.
- C) A student changes residence from another state to Illinois after completion of a comparable course and reciprocity is established. Reciprocity is established if the other state's driver education course requires at least 30 clock hours of classroom instruction and 6 clock hours of practice



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driving.

- D) A school in Illinois is dissolved, has lost its license to operate, or the driver education course being offered is no longer approved.
- E) A student is in attendance at a private school other than in the student's district of residence.
- 3) A minimum of 30 thirty clock hours of classroom instruction must be completed by each student.
- 4) The length of each instructional period shall not exceed 90 ninety minutes.
- 5) Both the classroom and laboratory instruction must each be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs).
- 6) Laboratory instruction shall not begin until the student has started classroom instruction.
- 7) Laboratory instruction may be taught during an extended school day.
- 8) Each student shall have a valid instructional permit issued pursuant to Section 6-103 of the Illinois Motor Vehicle Code [625 ILCS 5/6-103] when engaged in practice driving instruction. ~~Driver-education-instructors-shall-not-certify-to-the-Secretary of-State-that-a-student-is-enrolled-in-a-driver-education-course and--requires--an--instruction--permit-to-participate-in-practice driving-until-just--prior--to--the--beginning--of--the--student's certificate---driving--instruction---and--in--no--event---shall---such certification-be-made-so-that--the--instruction--permit--will--be issued--more--than--two--weeks--prior--to--the--student's--first--practice driving--experience--with--an--approved--driver-education-instructor-~~
- 9) The law requires each student to complete a minimum of six clock hours of practice driving instruction or its equivalent. At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.
- 10) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the facility shall consist of a minimum of 80,000 square feet and provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision making. A minimum of two hours must be in a dual-control car under traffic conditions.
- 11) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.
- 12) Laboratory instruction which employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following

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standards:

- A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than four 4 clock hours of practice driving;
- B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than three 3 clock hours of practice driving; and
- C) no less than one 1 clock hour of practice driving is provided.
- 13) ~~School Districts may adopt a policy to permit proficiency examinations for the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under the direct instruction of a qualified driver education teacher (Section 27-24.3 of the School Code). a qualified-driver-education-teacher-~~ The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "practice driving" in Section 252.10 of this Part; and the examination given to students after their completion of at least three clock hours of practice driving instruction:
  - A) must be the same as the examination given at the completion of six hours of practice driving; and
  - B) must include an assessment of each student's ability to make proper decisions in varying levels of traffic, and to execute these decisions in a smooth, safe, and efficient manner.
- 14) Satisfactory driver education course completion denotes that each student has the minimum competencies which meet course objectives and is eligible for the Illinois Driver Education Certificate.
- 15) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.
- d) Enrollment -- All eligible students who reside in a public school district must be provided an equal opportunity to enroll in the driver education course.
  - 1) The local school district of which an eligible student is a resident has the responsibility of providing the approved driver education course when requested by the student.
  - 2) A public school student's declaration of intent is considered made at the time of regular registration.
  - 3) Other eligible residents of the district are considered to have made a declaration of intent when the course is requested on an individual basis from the public high school. Such request must be honored within a reasonable length of time as defined in ~~(See: subsection (a)(5) of this Section.)~~
  - 4) Independent, parochial, and private school administrators may request the approved driver education course for all eligible

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students, residents in Illinois, from the public school district in which the nonpublic school is located.

- 5) Administrators and teachers of state approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.

- 6) Dual-Control Cars -- The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than that which is designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign which measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background.

- 7) Contracting -- In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of cooperative school district programs.

A) Schools offering an approved driver education program shall not contract the course from any individual or agency.

B) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.

- 8) Students, as individuals, have the options of applying for the course at the high school district of their residence or of purchasing the course from a commercial school.

(Source: Amended at 22 Ill. Reg. 757.7, effective

APR 17 1996)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Private Business and Vocational Schools

- 2) Code Citation: 23 Ill. Adm. Code 451

- 3) Section Numbers: Adopted Action:  
451.410 Amendment

- 4) Statutory Authority: 105 ILCS 425

- 5) Effective Date of Amendments: April 17, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain an incorporation by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 8) Date filed in agency's principal office: April 13, 1998

- 9) Notice(s) of proposal published in Illinois Register: 21 Ill. Reg. 15303; December 5, 1997.

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Difference(s) between proposal and final version: In Section 451.410(1), the phrase "After the date of adoption of this Part," was eliminated.

In Section 451.410(1)(1)(D), the number of years of experience was changed from five to six.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? Yes

- 13) Will this amendment replace an emergency rule currently in effect? No

- 14) Are there any other proposed amendments pending on this Part? No

- 15) Summary and purpose of the amendments: Section 451.410(1)(1) previously provided that private business and vocational schools that grant degrees in certain programs must employ faculty for those programs who hold a baccalaureate degree with a major in the subject area in which they will teach. The requirement of holding a baccalaureate degree, however, has caused problems for schools with programs for fields in which the primary mode of education is a combination of work experience and related training that results in less than a baccalaureate degree. Therefore, five alternatives are now in place for those areas of study where the principal learning medium is work experience and/or related training that results in less than a baccalaureate degree. These other options would enable



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applicants to qualify to teach in a degree-granting program if otherwise qualified staff are not available.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Sheila Radford-Hill  
Alternative Learning Partnerships  
Illinois State Board of Education  
100 West Randolph, Suite 14-300  
Chicago, IL 60601  
(312) 814-3226

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS  
  
TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER m: POSTSECONDARY SCHOOLS  
  
PART 451  
PRIVATE BUSINESS AND VOCATIONAL SCHOOLS  
  
SUBPART A: SCHOOL APPROVAL

Section	
451.10	Introduction
451.20	Application for Certificate of Approval
451.30	Out-of State School Approval
451.40	Classroom Extensions
451.50	Supplementary Courses of Instruction
451.60	Change of School Location
451.70	School Closing/Change of Status
451.80	Warning, Suspension, Revocation of Accreditation and/or Approval
451.90	Inspection and Periodic Review
451.100	Cease and Desist Orders
451.110	Comparison of Graduation or Completion Rates
451.120	

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section	
451.200	School Purpose
451.210	Administration and Organization
451.220	Financial Resources/Financial Recordkeeping
451.230	School Surety Bond
451.235	Liability Insurance
451.240	Recordkeeping
451.250	School Advertising
451.260	School Catalog/Bulletin
451.270	Instructional Program and Services
451.280	Home Study and Home Study/In-Residence Schools
451.290	Student Work Experience
451.300	Instructional Equipment, Facilities and Materials

SUBPART C: SCHOOL PERSONNEL

Section	
451.400	Administrator Qualifications
451.410	Faculty Qualifications
451.420	Sales Representatives
451.430	Sales Representative Bond

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## SUBPART D: STUDENTS

Section	Student Admissions Standards
451.500	Handicapped Students
451.510	Enrollment Agreements
451.520	Student Obligations, Cancellation and Refund Policies
451.530	Student Personnel Services
451.540	Placement Assistance
451.550	Student Progress
451.555	Student Attendance and Tardiness
451.560	Student Conduct and Discipline
451.570	Student Rights
451.580	Student Complaints
451.590	

AUTHORITY: Implementing and authorized by the Private Business and Vocational Schools Act [105 ILCS 425] and Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1].

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 14 Ill. Reg. 7518, effective May 3, 1990; amended at 17 Ill. Reg. 22527, effective December 16, 1993; amended at 22 Ill. Reg. 17584, effective APR 17 1998.

## SUBPART C: SCHOOL PERSONNEL

## Section 451.410 Faculty Qualifications

a) A school shall establish and enforce specific written policies setting standards for qualification, supervision, evaluation, and promotion of its faculty.

1) The policies shall set minimum requirements for the employment of faculty, including previous training and on-the-job experience in the subject area for which the faculty applicant is being considered for employment or transfer.

2) Qualification standards for faculty shall at least conform to the standards set forth in subsection (b) of this Section.

b) At minimum each faculty member shall possess at least one of the following qualifications:

1) graduation from a State-approved, state-approved four-year degree-granting school with satisfactory completion of no fewer ~~less~~ than ~~twenty-four~~ (24) semester hours in the academic or vocational/skill subject area in which the applicant will be assigned to teach, including ~~included-in-the~~ ~~twenty-four~~ hours-must-be evidence of satisfactory completion of at least one 3-semester-hour ~~three--(3)~~ semester-hour college level course in each subject to which the faculty member is to be assigned+; or

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- 2) a combination of no fewer ~~less~~ than 4,000 clock hours of successful training and on-the-job experience in the academic or vocational/skill subject area in which the faculty member is to be assigned; or
- 3) completion of no fewer ~~less~~ than 6,000 clock hours of successful on-the-job experience in the academic or vocational/skill subject area in which the applicant will be assigned to teach.
- c) A faculty member who complies with the requirements established in this Part shall not be relieved of the responsibility of complying with more stringent requirements established by any other State ~~state~~ agency.
- d) Faculty approval by the Superintendent shall be for the specific subjects listed on the application for approval only, shall not be transferable from one school to another, and shall terminate on cessation of the faculty member's employment with the school.
- e) All applications for faculty approval shall:
  - 1) be submitted on forms provided by the Superintendent;
  - 2) indicate the specific subjects the applicant will teach;
  - 3) be signed by the applicant and the chief managing employee;
  - 4) be accompanied by official transcripts, letters, and documents which confirm that the applicant meets:
    - A) the school's employment standards for previous instruction, on-the-job experience, and mastery of the subject area to which the faculty member is to be assigned;
    - B) the minimum standards for faculty approval set forth in this Part.
- f) For purposes of this Section, documentation of on-the-job and teaching experience shall:
  - 1) be from any official providing the teaching or on-the-job experience of the applicant or from an administrator(s) at the previous place(s) of employment who can be reached for verification of the documentation submitted;
  - 2) state the period of employment;
  - 3) describe the applicant's on-the-job experience and duties in detail.
- g) In the event that the faculty member's former employer is no longer in business and/or the applicant's supervisor is no longer available to verify employment, the applicant shall submit an affidavit stating the facts concerning his or her work experience in lieu of the documentation specified in subsection (f) of this Section.
- h) Substitute faculty shall meet the same qualifications as regular faculty, including the prior approval of the Superintendent.
- i) If a school utilizes faculty assistants, it shall establish and maintain policies which set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall:
  - 1) not be used as substitutes or replacements for regular faculty;
  - 2) not be responsible for the overall evaluation of any student;
  - 3) work under the direct supervision of approved faculty.



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j) The school shall have and implement written policies to promote improvement of faculty competency in their occupational fields and in levels of performance in their teaching assignments.

k) A faculty member approved by the Superintendent to teach a specific subject(s) at the school prior to the date of adoption of this part who has verification of qualification on file with the Superintendent shall continue to be approved to teach that subject(s) at the school.

1) The After-the-date-of-adoption-of-this-Part-the school shall employ new faculty according to the following minimum standards:

1) Instructors employed as faculty in degree-granting programs shall have a minimum of a baccalaureate degree from a State-approved state-approved college or university with a major in the subject area in which they teach, except that, in those areas of study where the principal means of learning is work experience and/or related training that results in less than a baccalaureate degree, instructors employed as faculty must meet at least one of the following criteria:

A) Two years of work experience and a two-year associate's degree in the specific subject area to be taught; or

B) Four years of work experience in the specific subject area to be taught and a baccalaureate degree in an unrelated field; or

C) One year of work experience and a two-year associate's degree in the specific subject area to be taught and one year of college credit in an unrelated field; or

D) Six years of work experience in the specific subject area to be taught; or

E) Six years of military service which consisted of training and work experience in the specific subject area to be taught.

2) If the job objective for which the course of instruction is offered requires a valid license or certificate, the instructor shall hold such a license or certificate.

(Source: Amended at 22 Ill. Reg. 7584, effective APR 1 1998)

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1) Heading of the Part: Hazardous Waste Management System: General

2) The Code Citation: 35 Ill. Adm. Code 720

3) Section Number: Adopted Action:  
720.110 Amended

4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27

5) Effective Date of Amendments: April 15, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date Filed in Agency's Principal Office: April 15, 1998

9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14755, November 21, 1997

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997 (amended 415 ILCS 5/22.23a)). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 720 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.

16) Information and questions regarding this adopted rule shall be directed

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to:

Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, Illinois 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601.

The full text of the Adopted Amendments begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	
720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS

Section	
720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	
720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.140	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986;



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amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1996; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590-1, effective APR 15 1998.

## SUBPART B: DEFINITIONS

## Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after

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May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery Section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery Section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery Section(s) are joined only by ducts or connections

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carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery Section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Containment Building" means a hazardous waste management unit that is

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used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and



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Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the

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ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" or "USEPA-hazardous-waste-number" means the number assigned by EPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" or "USEPA identification-number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

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Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be canceled ~~cancelled~~ or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means:

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All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm.



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Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in of 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use

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thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials

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as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

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"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and



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reporting purposes.

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, containment building, corrective action management unit (CAMU), or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the

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right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

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It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. Section 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA Section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(w) (21 U.S.C. Section 321(w)), incorporated by reference in Section 720.111 that bears or contains any substances described in either of the two preceding subsections of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural

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sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325/1 and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified ground water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

"Replacement unit" means a landfill, surface impoundment or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store or dispose of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the



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earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi - solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities; except that, as used in the landfill, surface impoundment and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an

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accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo - carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off - site transportation of hazardous waste by air, rail, highway or water.

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**"Treatability study" means:**

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been

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determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103; and

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.



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"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

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"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 22 Ill. Reg. 7590, effective APR 15 1998)

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Number: Adopted Action:  
721.109 Amended
- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14725, November 21, 1997

- 10) Has JC&R issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, eff. August 19, 1997 (amended 415 ILCS 5/22.23a). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 721 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.

- 16) Information and questions regarding this adopted rule shall be directed to: Questions regarding these adopted rules may be addressed to:

## POLLUTION CONTROL BOARD

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Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, Illinois 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:  
Dorothy Gunn,  
Clerk of the Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

The full text of the Adopted Amendments begins on the following page:



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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721  
IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose of Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Residues of Hazardous Waste in Empty Containers
721.107	PCB Wastes Regulated under TSCA
721.108	Requirements for Universal Waste
721.109	

SUBPART B: CRITERIA FOR IDENTIFYING THE  
CHARACTERISTICS OF HAZARDOUS WASTE  
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste
721.111	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
721.133	

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721.135	Wood Preserving Wastes
APPENDIX A	Representative Sampling Methods
APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX C	Chemical Analysis Test Methods
TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX G	Basis for Listing Hazardous Wastes
APPENDIX H	Hazardous Constituents
APPENDIX I	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended

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in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 5, 1998.

## Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702 through 705, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The wastes listed in this Section are subject to regulation under 35 Ill. Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - b) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
  - c) Thermostats, as described in 35 Ill. Adm. Code 733.104; and-
  - d) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.
- BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see PA 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7615, effective April 1998)

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) The Code Citation: 35 Ill. Adm. Code 725
- 3) Section Number: Adopted Action: Amended 725.101
- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14730, November 21, 1997.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version:  
 In Table of Contents for Section 725.328, struck "Post-Closure" and added "Post-closure".  
 In Table of Contents for Section 725.358, struck "Post-Closure" and added "Post-closure".  
 In Table of Contents for Section 725.410, struck "Post-Closure" and added "Post-closure".  
 In Table of Contents for Section 725.958, struck "Other" and added other".  
 In Authority note, removed underlining.  
 In Source note, changed "amended in R96-10/R97-3/R97-5 at 21 Ill. Reg. effective;" to "amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997;".  
 In Section 725.101, changed "5,22.23a" to "5/22.23(a)" in the Board Note.  
 In Section 725.101, changed ", as amended by" to "(see" in the Board Note.  
 In Section 725.101, added ")" after "1997" in the Board Note.



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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s):

A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997 (amended 415 ILCS 5/22.23a). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 725 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.

- 16) Information and questions regarding this adopted rule shall be directed to:

Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, Illinois 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

The full text of the Adopted Amendments begins on the following page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

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**AUTHORITY:** Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998.

**NOTE:** In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS



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## Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.
- c) The requirements of this Part do not apply to:
- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);
  - BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).
  - 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores or disposes of hazardous waste;
- BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code

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- 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a waste water treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728-Table T or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
- A) Except as provided in subsection (c)(11)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of a hazardous waste;
    - iii) A discharge of a material that becomes a hazardous waste when discharged.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 725.Subparts C and D.
  - C) Any person that is covered by subsection (c)(11)(A) above that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to

## POLLUTION CONTROL BOARD

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the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
- C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
- D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (c)(14)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:

- 1) The waste water treatment sludge is generated in a surface impoundment as part of the plant's waste water treatment system;
  - 2) The waste is stored in tanks or containers;
  - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725-Subpart L;
  - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
  - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

f) Other bodies of regulations may apply a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially ~~potentially~~ infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 22 Ill. Reg. 7620, effective April 15, 1998 )

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- 1) Heading of the Part: RCRA Permit Program
- 2) The Code Citation: 35 Ill. Adm. Code 703
- 3) Section Number: Adopted Action:  
703.123 Amended
- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14749, November 21, 1997
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997 (amended 415 ILCS 5/22.23a). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 703 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.
- 16) Information and questions regarding this adopted rule shall be directed to:



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, Illinois 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

The full text of the Adopted Amendments begins on the following page:

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: PERMITS

PART 703  
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## SUBPART G: CHANGES TO PERMITS

## APPENDIX A Classification of Permit Modifications

**AUTHORITY:** Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 2632, effective

APR 15 1998



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART B: PROHIBITIONS

**Section 703.123 Specific Exclusions from Permit Program**

The following persons are among those who are not required to obtain a RCRA permit:

- a) Generators who accumulate hazardous waste on-site for less than the time periods provided in 35 Ill. Adm. Code 722.134;
- b) Farmers who dispose of hazardous waste pesticides from their own use as provided in 35 Ill. Adm. Code 722.170;
- c) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 721.105 (small generator exemption);
- d) Owners or operators of totally enclosed treatment facilities as defined in 35 Ill. Adm. Code 720.110;
- e) Owners and operators of elementary neutralization units or wastewater treatment units as defined in 35 Ill. Adm. Code 720.110;
- f) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) Persons adding absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271 and 724.272 are complied with; and
- h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
- 2) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
- 3) Thermostats, as described in 35 Ill. Adm. Code 733.104; and-
- 4) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2) (1996)†1994††--as amended--at--60 Fed--Reg--25542--May-11--1995. Subsection (h)(4) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see PA 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. **7632**, effective **APR 15 1998**)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Number: Adopted Action: Amended 724.101
- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1998.
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14779, November 21, 1997.
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997) (amended 415 ILCS 5/22.23a). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 724 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.
- 16) Information and questions regarding this adopted rule shall be directed

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

to:

Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, Illinois 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago Illinois 60601

The full text of the Adopted Amendment begins on the following page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 724

STANDARDS FOR OWNERS AND OPERATORS OF  
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section  
724.101  
724.103

Purpose, Scope and Applicability  
Relationship to Interim Status Standards

## SUBPART B: GENERAL FACILITY STANDARDS

Section  
724.110  
724.111  
724.112  
724.113  
724.114  
724.115  
724.116  
724.117  
724.118  
724.119

Applicability  
Identification Number  
Required Notices  
General Waste Analysis  
Security  
General Inspection Requirements  
Personnel Training  
General Requirements for Ignitable, Reactive or Incompatible Wastes  
Location Standards  
Construction Quality Assurance Program

## SUBPART C: PREPAREDNESS AND PREVENTION

Section  
724.130  
724.131  
724.132  
724.133  
724.134  
724.135  
724.137

Applicability  
Design and Operation of Facility  
Required Equipment  
Testing and Maintenance of Equipment  
Access to Communications or Alarm System  
Required Aisle Space  
Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
724.150  
724.151  
724.152  
724.153  
724.154

Applicability  
Purpose and Implementation of Contingency Plan  
Content of Contingency Plan  
Copies of Contingency Plan  
Amendment of Contingency Plan



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

724.155	Emergency Coordinator
724.156	Emergency Procedures
SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING	
Section	
724.170	Applicability
724.171	Use of Manifest System
724.172	Manifest Discrepancies
724.173	Operating Record
724.174	Availability, Retention and Disposition of Records
724.175	Annual Report
724.176	Unmanifested Waste Report
724.177	Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section	
724.190	Applicability
724.191	Required Programs
724.192	Groundwater Protection Standard
724.193	Hazardous Constituents
724.194	Concentration Limits
724.195	Point of Compliance
724.196	Compliance Period
724.197	General Groundwater Monitoring Requirements
724.198	Detection Monitoring Program
724.199	Compliance Monitoring Program
724.200	Corrective Action Program
724.201	Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section	
724.210	Applicability
724.211	Closure Performance Standard
724.212	Closure Plan; Amendment of Plan
724.213	Closure; Time Allowed For Closure
724.214	Disposal or Decontamination of Equipment, Structures and Soils
724.215	Certification of Closure
724.216	Survey Plat
724.217	Post-closure Care and Use of Property
724.218	Post-closure Plan; Amendment of Plan
724.219	Post-closure Notices
724.220	Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section	
724.240	Applicability
724.241	Definitions of Terms As Used In This Subpart
724.242	Cost Estimate for Closure
724.243	Financial Assurance for Closure
724.244	Cost Estimate for Post-closure Care
724.245	Financial Assurance for Post-closure Care
724.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247	Liability Requirements
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SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
724.270	Applicability
724.271	Condition of Containers
724.272	Compatibility of Waste With Container
724.273	Management of Containers
724.274	Inspections
724.275	Containment
724.276	Special Requirements for Ignitable or Reactive Waste
724.277	Special Requirements for Incompatible Wastes
724.278	Closure
724.279	Air Emission Standards

SUBPART J: TANK SYSTEMS

Section	
724.290	Applicability
724.291	Assessment of Existing Tank System's Integrity
724.292	Design and Installation of New Tank Systems or Components
724.293	Containment and Detection of Releases
724.294	General Operating Requirements
724.295	Inspections
724.296	Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems
724.297	Closure and Post-Closure Care
724.298	Special Requirements for Ignitable or Reactive Waste
724.299	Special Requirements for Incompatible Wastes
724.300	Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section	
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## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.324	Response Actions
724.326	Monitoring and Inspection
724.327	Emergency Repairs; Contingency Plans
724.328	Closure and Post-closure Care
724.329	Special Requirements for Ignitable or Reactive Waste
724.330	Special Requirements for Incompatible Wastes
724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.332	Air Emission Standards

## SUBPART L: WASTE PILES

Section	Applicability
724.350	Design and Operating Requirements
724.351	Action Leakage Rate
724.352	Response Action Plan
724.353	Monitoring and Inspection
724.354	Special Requirements for Ignitable or Reactive Waste
724.355	Special Requirements for Incompatible Wastes
724.356	Closure and Post-closure Care
724.357	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART M: LAND TREATMENT

Section	Applicability
724.370	Treatment Program
724.371	Treatment Demonstration
724.372	Design and Operating Requirements
724.373	Food-chain Crops
724.376	Unsaturated Zone Monitoring
724.378	Recordkeeping
724.379	Closure and Post-closure Care
724.380	Special Requirements for Ignitable or Reactive Waste
724.381	Special Requirements for Incompatible Wastes
724.382	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART N: LANDFILLS

Section	Applicability
724.400	Design and Operating Requirements
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## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

724.403	Monitoring and Inspection
724.404	Response Actions
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART O: INCINERATORS

Section	Applicability
724.440	Waste Analysis
724.441	Principal Organic Hazardous Constituents (POHCs)
724.442	Performance Standards
724.443	Hazardous Waste Incinerator Permits
724.444	Operating Requirements
724.445	Monitoring and Inspections
724.447	Closure

## SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section	Corrective Action Management Units
724.652	Temporary Units

## SUBPART W: DRIP PADS

Section	Applicability
724.670	Assessment of existing drip pad integrity
724.671	Design and installation of new drip pads
724.672	Design and operating requirements
724.673	Inspections
724.674	Closure

## SUBPART X: MISCELLANEOUS UNITS

Section	Applicability
724.700	Environmental Performance Standards
724.701	Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action



POLLUTION CONTROL BOARD  
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724.703 Post-closure Care  
SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section  
724.930 Applicability  
724.931 Definitions  
724.932 Standards: Process Vents  
724.933 Standards: Closed-vent Systems and Control Devices  
724.934 Test methods and procedures  
724.935 Recordkeeping requirements  
724.936 Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
724.950 Applicability  
724.951 Definitions  
724.952 Standards: Pumps in Light Liquid Service  
724.953 Standards: Compressors  
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
724.955 Standards: Sampling Connecting Systems  
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724.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors  
724.959 Standards: Delay of Repair  
724.960 Standards: Closed-vent Systems and Control Devices  
724.961 Alternative Percentage Standard for Valves  
724.962 Skip Period Alternative for Valves  
724.963 Test Methods and Procedures  
724.964 Recordkeeping Requirements  
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section  
724.980 Applicability  
724.981 Definitions  
724.982 Standards: General  
724.983 Waste Determination Procedures  
724.984 Standards: Tanks  
724.985 Standards: Surface Impoundments  
724.986 Standards: Containers  
724.987 Standards: Closed-vent Systems and Control Devices  
724.988 Inspection and Monitoring Requirements  
724.989 Recordkeeping Requirements  
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POLLUTION CONTROL BOARD  
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724.991 Alternative Control Requirements for Tanks  
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Section  
724.1100 Applicability  
724.1101 Design and operating standards  
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APPENDIX A Recordkeeping Instructions  
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APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test  
APPENDIX E Examples of Potentially Incompatible Waste  
APPENDIX I Groundwater Monitoring List

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- d) BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- e) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.
- f) BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
- g) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- h) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- i) The requirements of this Part do not apply to:
  - 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.

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- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
- 7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- 8) Immediate response:
  - A) Except as provided in subsection (g)(8)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of hazardous waste;
    - iii) A discharge of a material that becomes a hazardous waste when discharged.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 724.Subparts C and D.
  - C) Any person that is covered by subsection (g)(8)(A) above and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
  - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
  - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (g)(11)(D) of this Section was added



POLLUTION CONTROL BOARD  
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pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

(Source: Amended at 22 Ill. Reg. 7633, effective April 15, 1998)

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Universal Waste Management

- 2) Code Citation: 35 Ill. Adm. Code 733

<u>Section Number:</u>	<u>Adopted Action:</u>
733.101	Amended
733.106	Amended
733.107	New
733.113	Amended
733.114	Amended
733.118	Amended
733.132	Amended
733.133	Amended
733.134	Amended
733.138	Amended
733.139	Amended
733.151	Amended
733.161	Amended
733.162	Amended
733.180	Amended

- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27

- 5) Effective Date of Amendments: April 15, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporation by reference? No

- 8) Date Filed in Agency's Principal Office: April 15, 1998

- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14791, November 21, 1997

- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No

- 11) Difference(s) between proposal and final version:

In Section 733.113(a)(3)(B), changed "landfills" to "regulations".

In Section 733.113(c)(3)(c), changed "landfills" to "regulations".

In Section 733.113(d)(5), changed "Universal waste mercury-containing lamps shall not be intentionally broken or crushed" to

"Small quantity handlers of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

## POLLUTION CONTROL BOARD

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A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
- ii) Estimated monthly amount of lamps crushed; and
- iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation."

In Section 733.118(h), changed "landfills" to "regulations".

In Section 733.132(b)(4), added ", mercury-containing lamps" after "thermostats".

In Section 733.133(a)(3)(B), changed "landfills" to "regulations".

In Section 733.133(c)(3)(C), changed "landfills" to "regulations".

In Section 733.133(d)(5), changed "Universal waste mercury-containing lamps shall not be intentionally broken or crushed" to

"Large quantity handlers of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

- A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the

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basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
- ii) Estimated monthly amount of lamps crushed; and
- iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation..

In Section 733.134(d), changed "Waste--Mercury" to "Waste-Mercury".

In Section 733.138(h), changed "landfills" to "regulations".

In Section 733.151, changed section to read:

"a) A universal waste transporter is prohibited from the following:

- 1) a) Disposing of universal waste; and
- 2) b) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b)."

b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

- 1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;
- 2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:



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- A) Name and address of the transporter;  
 B) Estimated monthly amount of lamps crushed; and  
 C) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1) of this Section;
- 3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;
- 4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- 5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- 6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (b) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997)."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997 (amended 415 ILCS 5/22.23a)). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to Part 733 were made to designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.

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- 16) Information and questions regarding this adopted rule shall be directed to:

Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
 Attorney Assistant  
 Illinois Pollution Control Board  
 600 South Second Street, Suite 402  
 Springfield, IL 62704  
 (217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn, Clerk  
 Pollution Control Board  
 100 West Randolph Street, Suite 11-500  
 Chicago, IL 60601

The full text of the Adopted Amendments begins on the following page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 733

## STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

## SUBPART A: GENERAL

Section	Scope	Quantity
733.101	Applicability--Batteries	
733.102	Applicability--Pesticides	
733.103	Applicability--Mercury Thermostats	
733.104	Applicability--Household and Conditionally Exempt Small	
733.105	Generator Waste	
733.106	Definitions	
733.107	Applicability--Mercury-Containing Lamps	

## SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	Scope	Quantity
733.110	Applicability	
733.111	Prohibitions	
733.112	Notification	
733.113	Waste Management	
733.114	Labeling and Marking	
733.115	Accumulation Time Limits	
733.116	Employee Training	
733.117	Response to Releases	
733.118	Off-Site Shipments	
733.119	Tracking Universal Waste Shipments	
733.120	Exports	

## SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	Scope	Quantity
733.130	Applicability	
733.131	Prohibitions	
733.132	Notification	
733.133	Waste Management	
733.134	Labeling and Marking	
733.135	Accumulation Time Limits	
733.136	Employee Training	
733.137	Response to Releases	
733.138	Off-Site Shipments	
733.139	Tracking Universal Waste Shipments	

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## 733.140 Exports

## SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	Scope	Quantity
733.150	Applicability	
733.151	Prohibitions	
733.152	Waste Management	
733.153	Accumulation Time Limits	
733.154	Response to Releases	
733.155	Off-site Shipments	
733.156	Exports	

## SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	Scope	Quantity
733.160	Applicability	
733.161	Off-Site Shipments	
733.162	Tracking Universal Waste Shipments	

## SUBPART F: IMPORT REQUIREMENTS

Section	Scope	Quantity
733.170	Imports	

## SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	Scope	Quantity
733.180	General	
733.181	Factors for Petitions to Include Other Wastes	

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 5, 1998.

## SUBPART A: GENERAL

## Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
- 1) Batteries, as described in Section 733.102;
  - 2) Pesticides, as described in Section 733.103; and
  - 3) Thermostats, as described in Section 733.104; and
  - 4) Mercury-containing lamps, as described in Section 733.107.



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waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. Section 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services, pursuant to FFDCA Section 360b(j), incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(w) (21 U.S.C. Section 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136(u)). The three exceptions, taken together, appear intended not to include as

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BOARD NOTE: Subsection (a)(4) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728.

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

Section 733.106 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sections 136 - 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, or thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal

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"pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate more than 5,000 kilograms total of universal waste (batteries, pesticides, or thermostats, or mercury-containing lamps, calculated collectively) at any time.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103; and

Thermostats, as described in Section 733.104; and:

Mercury-containing lamps, as described in Section 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section

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733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 22 Ill. Reg. 7650, effective

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## Section 733.107 Applicability--Mercury-Containing Lamps

a) Mercury-containing lamps covered under this Part. The requirements of this Part apply to persons managing mercury-containing lamps, except those listed in subsection (b) of this Section.

b) Mercury-containing lamps not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing lamps:

1) Mercury-containing lamps that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) of this Section.

2) Mercury-containing lamps that are not hazardous waste. A mercury-containing lamp is not a hazardous waste if it does not exhibit one or more of the characteristics identified in 35 Ill. Adm. Code 721.Subpart C.

c) Generation of waste mercury-containing lamps.

1) A used mercury-containing lamp becomes a waste on the date the handler permanently removes it from its fixture.

2) An unused mercury-containing lamp becomes a waste on the date the handler decides to discard it.

BOARD NOTE: Section 733.107 was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Added at 22 Ill. Reg. 7650, effective

APR 15 1998

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management



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- a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
  - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
    - A) Sorting batteries by type;
    - B) Mixing battery types in one container;
    - C) Discharging batteries so as to remove the electric charge;
    - D) Regenerating used batteries;
    - E) Disassembling batteries or battery packs into individual batteries or cells;
    - F) Removing batteries from consumer products; or
    - G) Removing electrolyte from batteries.
  - 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
    - A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
    - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.
- BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.
- b) Universal waste pesticides. A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents

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- releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
  - 2) A container that does not meet the requirements of subsection (b)(1) above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
  - 3) A tank that meets the requirements of 35 Ill. Adm. Code 725.Subpart J, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
  - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
  - 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler follows each of the following procedures:
    - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
    - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
    - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
    - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
    - E) It ensures that the area in which ampules are removed is

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well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition;

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) Required hazardous waste determination and further waste management.

A) A small quantity handler of universal waste that removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the mercury, residues, or other waste and shall manage it is subject to 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Universal waste mercury-containing lamps. A small quantity handler of universal waste shall manage universal waste mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste mercury-containing lamps shall, at all times:

A) Contain unbroken lamps in packaging that will minimize breakage during normal handling conditions; and

B) Contain broken lamps in packaging that will prevent releases

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of lamp fragments and residues.

2) A small quantity handler of universal waste mercury-containing lamps shall, at all times, manage waste lamps in a manner designed to minimize lamp breakage.

3) A small quantity handler of universal waste mercury-containing lamps shall immediately contain all releases of lamp fragments and residues from broken lamps.

4) A small quantity handler of universal wastes shall undertake hazardous waste determination and further waste management as follows:

A) A small quantity handler of universal waste mercury-containing lamps shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:

i) Any materials resulting from a release;

ii) Clean-up residues from spills or breakage; or

iii) Other solid waste generated as a result of handling waste lamps.

B) If the material, residue, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered to be the generator of the material, residue, or other hazardous waste and shall manage it in accordance with 35 Ill. Adm. Code 722.

C) If the material, residue, or other solid waste is not hazardous, the handler may manage the waste in any manner that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.

5) Small quantity handlers of mercury-containing universal waste lamps may treat mercury-containing lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls



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- required in subsection (d)(5)(A) of this Section:
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement.
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury.
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## Section 733.114 Labeling and Marking

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)";
- A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly as follows:
  - The label that was on or accompanied the product as sold or distributed; and
  - The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)";
- A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
  - Pesticide labeling:
    - The label that was on the product when purchased, if still legible;
    - If using the labels described in subsection (c)(1)(A) above is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172; or

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- C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) above is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
- 2) The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"; and
- d) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)", or "Waste Mercury Thermostat(s)", or "Used Mercury Thermostat(s)"; and:
- e) Universal waste mercury-containing lamps or a container in which the lamps are contained shall be labeled or clearly marked with any one of the following phrases: "Universal Waste--Mercury-Containing Lamp(s)", "Waste Mercury-Containing Lamp(s)" or "Used Mercury-Containing Lamp(s)".

BOARD NOTE: Subsection (e) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## Section 733.118 Off-Site Shipments

- A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- If a small quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of 733.Subpart D while transporting the universal waste.
- If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a small quantity handler of universal waste shall package, label, mark, and placard the shipment and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 172 through 180.
- Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.
  - If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:
    - Receive the waste back when notified that the shipment has been rejected, or

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- 2) Agree with the receiving handler on a destination facility to which the shipment will be sent.
- f) A small quantity handler of universal waste may reject a shipment containing universal waste or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler shall perform either of the following actions:

- 1) Send the shipment back to the originating handler, or
  - 2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.
- g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 North Grand Avenue East, P.O. Box--39267, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

- h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 22 Ill. Reg. 7650, effective April 15, 1998)

## SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

## Section 733.132 Notification

- a) Written notification of universal waste management.
- 1) Except as provided in subsections (a)(2) and (a)(3) below, a large quantity handler of universal waste shall have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.
  - 2) A large quantity handler of universal waste that has already notified USEPA or the Agency of its hazardous waste management activities and has received a USEPA Identification Number is not required to renotify under this Section.
  - 3) A large quantity handler of universal waste that manages recalled

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universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to USEPA or the Agency, as required by 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.

- b) This notification must include:

- 1) The universal waste handler's name and mailing address;
- 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- 3) The address or physical location of the universal waste management activities;
- 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, and mercury-containing lamps);
- 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, pesticides, thermostats, mercury-containing lamps) the handler is accumulating above this quantity.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use USEPA Form 8700-12 for notification. (To obtain USEPA Form 8700-12 call the Agency at 217-782-6761.) USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination. Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective April 15, 1998)

## Section 733.133 Waste Management

- a) Universal waste batteries. A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed



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(except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- A) Sorting batteries by type;
- B) Mixing battery types in one container;
- C) Discharging batteries so as to remove the electric charge;
- D) Regenerating used batteries;
- E) Disassembling batteries or battery packs into individual batteries or cells;
- F) Removing batteries from consumer products; or
- G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C.

- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal waste pesticides. A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1) above, provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of 35 Ill. Adm. Code 725. Subpart J, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

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- 4) A transport vehicle or vessel that is closed, structurally sound, and compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler follows each of the following procedures:

- A) It removes the ampules in a manner designed to prevent breakage of the ampules;
  - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
  - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
  - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 722.134;
  - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels of mercury;
  - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
  - G) It stores removed ampules in closed, non-leaking containers that are in good condition;
  - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) Required hazardous waste determination and further waste management.
- A) A large quantity handler of universal waste that removes

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mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

- i) Mercury or clean-up residues resulting from spills or leaks; or
  - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).
- B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726 and 728. The handler is considered the generator of the mercury, residues, or other waste and is subject to 35 Ill. Adm. Code 722.
- C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Universal waste mercury-containing lamps. A large quantity handler of universal waste shall manage universal waste mercury-containing lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste mercury-containing lamps shall, at all times:
  - A) Contain unbroken lamps in packaging that will minimize breakage during normal handling conditions; and
  - B) Contain broken lamps in packaging that will prevent releases of lamp fragments and residues.
- 2) A large quantity handler of universal waste mercury-containing lamps shall, at all times, manage waste lamps in a manner designed to minimize lamp breakage.
- 3) A large quantity handler of universal waste mercury-containing lamps shall immediately contain all releases of lamp fragments and residues from broken lamps.
- 4) A large quantity handler of universal waste shall undertake a hazardous waste determination and further waste management as follows:
  - A) A large quantity handler of universal waste mercury-containing lamps shall determine whether the following exhibit a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C:
    - i) Any materials resulting from a release:

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- ii) Clean-up residues from spills or breakage; or
- iii) Other solid waste generated as a result of handling waste lamps.

- B) If the material, residue, or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705, 720 through 726, and 728. The handler is considered to be the generator of the material, residue, or other hazardous waste and shall manage it in accordance with 35 Ill. Adm. Code 722.
- C) If the material, residue, or other solid waste is not hazardous, the handler may manage the waste in any manner that is in compliance with applicable federal, state, or local solid (nonhazardous) waste regulations.

- 5) Large quantity handlers of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

- A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;

- B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

- i) Name and address of the handler;
  - ii) Estimated monthly amount of lamps crushed; and
  - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(5)(A) of this Section;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement.
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration).



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suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (d) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

**Section 733.134 Labeling and Marking**

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)"; or "Waste Battery(ies)"; or "Used Battery(ies)";
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
  - 1) The label that was on or accompanied the product as sold or distributed; and
  - 2) The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)";
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly as follows:
  - 1) Pesticide labeling:
    - A) The label that was on the product when purchased, if still legible;
    - B) If using the labels described in Subsection (c)(1)(A) above is not feasible, the appropriate label as required under the USDOT regulation 49 CFR 172; or
    - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) above is not feasible, another label prescribed or designated by the pesticide collection program; and
  - 2) The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"; and

- d) Universal waste thermostats (i.e., each thermostat) or a container or tank in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)", or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)".

- e) Universal waste mercury-containing lamps or a container in which the lamps are contained shall be labeled or clearly marked with any one of the following phrases: "Universal Waste-Mercury-Containing Lamp(s)", "Waste Mercury-Containing Lamp(s)" or "Used Mercury-Containing Lamp(s)".

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BOARD NOTE: Subsection (e) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

**Section 733.138 Off-Site Shipments**

- a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

- b) If a large quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of 733.Subpart D of this Part while transporting the universal waste.

- c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 172 through 180.

- d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

- e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:
  - 1) Receive the waste back when notified that the shipment has been rejected, or
  - 2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

- f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it shall contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler shall perform either of the following actions:
  - 1) Send the shipment back to the originating handler, or
  - 2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

- g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 100th North Grand Avenue East, P-07--Box--192767, Springfield,

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Illinois 62794-9276 (telephone: 217-782-6761) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

- h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations and fees apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## Section 733.139 Tracking Universal Waste Shipments

- a) Receipt of shipments. A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- 1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;
  - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing lamps);
  - 3) The date of receipt of the shipment of universal waste.
- b) Shipments off-site. A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

- 1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
  - 2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing lamps);
  - 3) The date the shipment of universal waste left the facility.
- c) Record Retention.
- 1) A large quantity handler of universal waste shall retain the records described in subsection (a) above for at least three years from the date of receipt of a shipment of universal waste.
  - 2) A large quantity handler of universal waste shall retain the records described in subsection (b) above for at least three

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years from the date a shipment of universal waste left the facility.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

## Section 733.151 Prohibitions

- a) A universal waste transporter is prohibited from the following:

- 1) ~~a~~ Disposing of universal waste; and
- 2) ~~b~~ Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).

- b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

- 1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system shall not exceed 0.1 mg/m(3) when measured on the basis of time weighted average over an 8-hour period;
- 2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
  - A) Name and address of the transporter;
  - B) Estimated monthly amount of lamps crushed; and
  - C) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1) of this Section;
- 3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 40 CFR 262.34, and has available equipment necessary to comply with this requirement;
- 4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- 5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- 6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent



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structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

BOARD NOTE: Subsection (b) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## SUBPART E: STANDARDS FOR DESTINATION FACILITIES

## Section 733.161 Off-Site Shipments

- a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.
- b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, it shall contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall perform either of the following actions:

- 1) Send the shipment back to the original shipper, or
- 2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

- c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Agency (Bureau of Land, Illinois EPA, 1021 100th North Grand Avenue East, P.O. Box 192767, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste.

- d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid (nonhazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or nonhazardous waste regulations ~~and~~ apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

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## Section 733.162 Tracking Universal Waste Shipments

- a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- 1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
  - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing lamps);
  - 3) The date of receipt of the shipment of universal waste.
- b) The owner or operator of a destination facility shall retain the records described in subsection (a) above for at least three years from the date of receipt of a shipment of universal waste.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

(Source: Amended at 22 Ill. Reg. 7650, effective APR 15 1998)

## SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

## Section 733.180 General

- a) Any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

- 1) If USEPA has already added the waste or category of waste to 40 CFR 273: by identical-in-substance rulemaking, under Section 22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, 35 Ill. Adm. Code 720.120; or
- 2) If USEPA has not added the waste or category of waste to 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

- b) Petitions for identical-in-substance rulemaking.

- 1) Any petition for identical-in-substance rulemaking under subsection (a)(1) above must include a copy of the Federal Register notice(s) of adopted amendments in which USEPA promulgated the addition(s) to 40 CFR 273. The Board will

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evaluate any petition for identical-in-substance rulemaking based on the Federal Register notice(s).

- 2) If the petitioner desires expedited Board consideration of the proposed amendments **amendments** to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for general rulemaking.

- 1) To be successful using the general rulemaking procedure under subsection (a)(2) above, the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

- A) It would be appropriate for the waste or category of waste;  
 B) It would improve management practices for the waste or category of waste; and  
 C) It would improve implementation of the hazardous waste program.

- 2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

- 3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1) above.

(Source: Amended at 22 Ill. Reg. 1783.001, effective 7/21/1990)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Testing of Breath, Blood and Urine for Alcohol and Other Drugs

Code Citation: 77 Ill. Adm. Code 510

Section Numbers: 510.130  
 510.Appendix A  
 Adopted Action: Amendment  
 Amendment

- 4) Statutory Authority: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

- 5) Effective Date of Amendments: April 15, 1998

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No

- 7) Does this Rulemaking Contain any Incorporation by Reference? No

- 8) Date Filed in Agency's Principal Office: April 15, 1998

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: October 3, 1997; 21 Ill. Reg. 13279

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

- 11) Difference Between Proposal and Final Version: No comments were received during the first notice period and no substantive changes were made during this rulemaking.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? No changes were requested.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments The rules in Part 510 set forth the Department's standards for testing of breath, blood and urine for alcohol and/or other drugs. The rules are being amended in response to P.A. 90-0043 (effective July 2, 1997), which amended the Criminal Code of 1961 and the Illinois Vehicle Code to lower the concentration level at which a person is presumed to be under the influence of alcohol from 0.10 to 0.08. Section 510.310 establishes requirements for preliminary breath screening test units. The rule is being amended to delete requirements for pass/fail units, which use a red light to indicate an alcohol level of .10 or higher. These units will no longer be accepted by the Department.



DEPARTMENT OF PUBLIC HEALTH  
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Requirements for digital units are clarified. Section 510.130 Appendix C is being amended to delete reference to pass/fail units and units no longer approved for use.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Division of Legal Services  
535 West Jefferson  
Springfield, Illinois 62761  
(217)782-2043  
E-mail: rules@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 510  
TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER DRUGS

Section	Authority (Repealed)
510.10	Definitions
510.20	Construction of Rules (Repealed)
510.30	Evidential Instruments for Analyzing the Alcohol Content of Breath
510.40	Assaying of Ampoule Solutions (Repealed)
510.50	Operation of Approved Breath Analysis Instruments
510.60	Licensing of Operator
510.70	Requirements for Renewal of License
510.80	Revocation and Denial of License
510.90	Examining and Certifying Instruments
510.100	Withdrawal of Blood and/or Urine Samples for Chemical Analysis of Alcohol or other Drug Content
510.110	Approval of Laboratories and Laboratory Technicians
510.120	Preliminary Breath Screening Test Units (PBTs)
510.130	Sample Logbook Sheet
APPENDIX A	List of Illinois Approved Evidential Breath Analysis Instruments
APPENDIX B	List of Illinois Approved Preliminary Breath Analysis Instruments
APPENDIX C	List of Illinois Approved Preliminary Breath Analysis Instruments

AUTHORITY: Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

SOURCE: Filed September 18, 1972; new rules adopted at 5 Ill. Reg. 14152, effective January 1, 1982; rules repealed at 6 Ill. Reg. 365, effective January 1, 1982; amended at 7 Ill. Reg. 1917, effective January 28, 1983; codified at 8 Ill. Reg. 14271; amended at 9 Ill. Reg. 9154, effective June 3, 1985; amended at 12 Ill. Reg. 20211, effective December 1, 1988; amended at 14 Ill. Reg. 19052, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 612, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 7718, effective May 1, 1991; amended at 19 Ill. Reg. 7412, effective June 1, 1995; emergency amendment at 21 Ill. Reg. 13381, effective September 30, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 60003, effective

APR 15 1998

Section 510.130 Preliminary Breath Screening Test Units (PBTs)

- a) Preliminary breath test units are portable electrically or battery powered units, used to determine if alcohol is present in the tested subject's breath.

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- b) Preliminary breath test units offered for sale anywhere within the State to law enforcement agencies must be approved by the Department (see Section 510. Appendix C). No instrument shall be given approval if it demonstrates an error in excess of plus or minus .01. Any instrument that is not approved after initial testing shall be re-tested at the request of the manufacturer.
- c) Preliminary breath test units shall be utilized by law enforcement agencies in accordance with the manufacturer's specifications and operating procedures.
- d) Units listed as Digital Read will indicate breath alcohol levels by numeric indication of two-digits (1-99) on a visible screen. Displays 1) Units listed as Pass/Fail will indicate alcohol levels as follows: A) Green indicator-Bright-A level of 0.09 to 0.099-B) Amber indicator-Bright-A level of 0.05 to 0.099-C) Red indicator-Bright-A level of 0.10 or higher-2) Units listed as Digital Pass/Fail will indicate levels of alcohol impairment by a numeric or letter message on the unit screen for 0.05 to 0.10 levels.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective APR 15 1998)

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Section 510. APPENDIX C List of Illinois Approved Preliminary Breath Screening Analysis Instruments

MANUFACTURER	MODEL	PASS/FAIL	DIGITAL
CMI, Inc, Owensboro, KY	S-D2	X	X
Intoximeters, Inc, St. Louis, MO	Alcosensor II Alcosensor III Alcosensor IV	X X X	X X X
NOTE:--Approval--of--the--following--instruments--will--cease--effective--January--17--1996:--The--following--instruments--are--either--no--longer--manufactured--or--repair--parts--are--no--longer--available--or--support--is--limited--or--use--a--technology--for--analysis--of--breath--other--than--the--fuel--cell--technology.			
Approved-Technology	ABCO-CHEK-I ABCO-CHEK-II ABCO-CHEK-3000 ABCO-TEETOR-Mark-X	X X X X	X
Guth-Laboratories, Inc, Harrisburg-PA Alcohol-Countermeasures Systems, Inc, Port-Huron-MI	ALERT-Model-3-4	X	X

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective APR 15 1998)



POLLUTION CONTROL BOARD  
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Part 728 were made simply to conform to the amendments in Part 733 which designate high intensity discharge lamps and fluorescent lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.

16) Information and questions regarding this adopted rule shall be directed to: Questions regarding these adopted rules may be addressed to:

Cynthia Ervin  
Attorney Assistant  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, IL 62704  
(217) 524-8509

Requests for copies of the adopted rules may be addressed to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

The full text of the Adopted Amendments begins on the following page:

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Land Disposal Restrictions
- 2) The Code Citation: 35 Ill. Adm. Code 728
- 3) Section Number: Adopted Action:  
728.101 Amended
- 4) Statutory Authority: 415 ILCS 5/22.23a and 415 ILCS 5/27
- 5) Effective Date of Amendments: April 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1998
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 14742, November 21, 1997.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version:  
In Source note, added "amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991;".  
In Section 728.101(e)(4)(a), deleted "and".  
In Section 728.101(f), changed "268.150" to "728.150".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): A complete description of this rulemaking is included in the Board's February 5, 1998 and April 2, 1998 opinions and orders in docket R98-12, which are available from the address listed in Item No. 16 below. On August 19, 1997, Governor Jim Edgar signed into law Public Act 90-502 (Pub. Act. 90-502, effective August 19, 1997 (amended 415 ILCS 5/22.23a). This legislation specifically designated high intensity discharge lamps and fluorescent lamps as a category of universal waste. Such designation effectively exempts these wastes from being managed under the generally applicable hazardous waste management regulations if managed within specific limitations. The amendments to

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

Section	
728.101	Purpose, Scope and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for case-by-case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C

728.107 Waste Analysis and Recordkeeping  
728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)  
728.109 Special Rules for Characteristic Wastes

## SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

## SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Solvent Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes
728.133	Waste Specific Prohibitions: First Third Wastes
728.134	Waste Specific Prohibitions -- Second Third Wastes
728.135	Waste Specific Prohibitions -- Third Third Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and

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## Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes

## SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HTMR
728.148	Universal Treatment Standards

## SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes

APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract)
APPENDIX C	List of Halogenated Organic Compounds
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HMTR
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE T	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4, 22.23a, and 27].



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SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998.

## SUBPART A: GENERAL

## Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:

- 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
- 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste:
  - A) Is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
  - B) Does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.
- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a

## POLLUTION CONTROL BOARD

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specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

- A) The waste is managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under 35 Ill. Adm. Code 309; or
  - B) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
  - C) The waste is managed in a zero discharge system engaged in Clean Water Act-equivalent treatment, as defined in Section 728.137(a); and
  - D) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
  - 2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
  - 3) Wastes identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated land disposal prohibitions or treatment standards; or
  - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as follows:
    - A) Losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinseate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one per cent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or
    - B) Decharacterized waste that is injected into Class I nonhazardous wells in which the decharacterized waste's combined volume is less than one per cent of the total flow at the wellhead on an annualized basis and no greater than

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10,000 gallons per day, and in which any underlying hazardous constituents in the characteristic waste are present at the point of generation at levels less than 10 times the treatment standards found at Section 728.148.

- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annulized flow of laboratory wastewater into the facility's headwork does not exceed one percent or that the laboratory wastes' combined annulized average concentration does not exceed one part per million in the facility's headworks.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 268-150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
- 2) Pesticides, as described in 35 Ill. Adm. Code 733.103; and
- 3) Thermostats, as described in 35 Ill. Adm. Code 733.104; and-
- 4) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (f)(4) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended April 15 1998 22 Ill. Reg. 7685, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:  
Appendix A, Table E Amended

4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]

5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]

6) Effective Date: April 20, 1998

7) A Complete Description of the Subjects and Issues Involved: The Teamsters, Local #330 (General Chauffeurs, Sales Drivers and Helpers, Fox Valley) have recently negotiated their three-year contract as reflected below:

In Section 310, Table E RC-020 (Teamsters, Local #330), the rates of pay for employees in the Department of Corrections shall be raised by \$99 per month, effective July 1, 1997. Those employees not on the alternative pension formula shall receive a one-time lump sum payment of \$565 for Fiscal Year 1998. The Highway Maintainers who are assigned to operate drill rigs will be paid at the Power Shovel Operator rate. Also, the Highway Maintainer title will reflect "New Hire" rates for the first, second and third year of employment.

Effective July 1, 1998, the rates of pay for all bargaining unit classes shall be increased by \$105 per month.

And effective July 1, 1999, the rates of pay shall be increased by \$115 per month.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: April 20, 1998

10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

11) Are there any proposed amendments pending to this part? No

12) Statement of Statewide Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
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jurisdictional bodies within the State.

- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: 217/782-5601

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PEREMPTORY AMENDMENT  
TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1998
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A

TABLE A	Negotiated Rates of Pay
TABLE AA	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	NR-916 (Department of Natural Resources, Teamsters)
TABLE C	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE D	RC-069 (Firefighters, AFSCME)
TABLE E	HR-001 (Teamsters Local #726)
TABLE F	RC-020 (Teamsters Local #330)
TABLE G	RC-019 (Teamsters Local #25)
TABLE H	RC-045 (Automotive Mechanics, IFPE)
TABLE I	RC-006 (Corrections Employees, AFSCME)
TABLE J	RC-009 (Institutional Employees, AFSCME)
TABLE K	RC-014 (Clerical Employees, AFSCME)
TABLE L	RC-023 (Registered Nurses, INA)
TABLE M	RC-008 (Boilermakers)
TABLE N	RC-110 (Conservation Police Lodge)
TABLE O	RC-010 (Professional Legal Unit, AFSCME)
TABLE P	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE Q	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE R	RC-033 (Meat Inspectors, IFPE)
TABLE S	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE T	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE U	HR-010 (Teachers of Deaf, IFT)
TABLE V	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE W	CU-500 (Corrections, Meet and Confer Employees)
TABLE X	RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1998
APPENDIX C	Medical Administrator Rates for Fiscal Year 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 1, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 20, 1998.

## Section 310. APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE E RC-020 (Teamsters Local #330)

Department--of--Children-and-Family-Services--Corrections--Employment--Security--Mental-Health-and-Developmental-Disabilities--(Counties--of-BuPage--Kane--Kankakee--Kendall--Baker--McHenry--and-Will)	July-17-1994	July-17-1995	July-17-1996
Mo--Hr	Mo--Hr	Mo--Hr	Mo--Hr
Maintenance-Equipment Operator	3040-00-17-47	3160-00-18-16	3205-00-18-08
B) Department--of--Transportation--(Division--of--Highways--(Counties--of-BuPage--Kane--Kankakee--Kendall--Baker--McHenry--and-Will)			
July-17-1994	July-17-1995	July-17-1996	
Mo--Hr	Mo--Hr	Mo--Hr	
Bridge-Mechanic	3073-00-17-66	3193-00-18-35	3218-00-19-07
Bridge-Tender	2872-00-16-51	2992-00-17-20	3117-00-17-31
Highway-Maintenance-Bed Worker	3169-00-18-21	3299-00-18-00	3414-00-19-62
Highway-Maintenance-Bed Worker-(Bridge-Crew)	3186-40-18-31	3332-50-19-15	3483-60-20-02
Highway-Maintenance-Bed Worker-(Bed-Bed-Work)	3219-00-18-50	3339-00-19-19	3464-00-19-31
Highway-Maintenance	3040-00-17-47	3160-00-18-16	3205-00-18-08
Highway-Maintenance-(Bridge-Crew)	3057-40-17-57	3203-50-18-41	3354-60-19-28
Janitor-I	2747-00-15-79	2867-00-16-47	2992-00-17-20
Janitor-II	2778-00-15-77	2908-00-16-66	3023-00-17-37
Labor-Maintenance-Bed Worker	3004-00-17-26	3124-00-17-95	3249-00-18-67
Laborer-Maintenance	2948-00-16-04	3068-00-17-63	3193-00-18-35
Maintenance-Worker	2904-00-17-15	3104-00-17-04	3229-00-18-56
Power-Shovel-Operator (Maintenance)	3139-00-18-04	3259-00-18-73	3384-00-19-45
Power-Shovel-Operator (Maintenance)-(Bridge-Crew)	3156-40-18-14	3302-50-18-08	3453-60-19-05
Security-Guard-I	2774-00-15-94	2894-00-16-63	3019-00-17-35
Security-Guard-II	2922-00-16-22	3042-00-16-91	3167-00-17-63
Stik-Screen-Operator	3144-00-18-07	3264-00-18-76	3389-00-19-48
E) Department--of--Central-Management-Services--(Division--of--Vehicles--(Counties--of-BuPage--Kane--Kankakee--Kendall--Baker--McHenry--and-Will)			
July-17-1994	July-17-1995	July-17-1996	
Mo--Hr	Mo--Hr	Mo--Hr	



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Janitor-I	2747-00-15-79	2867-00-16-48	2992-00-17-20
Janitor-II	2770-00-15-97	2898-00-16-66	3023-00-17-37
Maintenance-Equipment	3040-00-17-47	3160-00-18-16	3285-00-18-00
--Operator-(all-divisions)			
Maintenance-Worker	2984-00-17-15	3104-00-17-04	3239-00-18-56
Security-Guard-I	2774-00-15-94	2894-00-16-63	3019-00-17-35
Security-Guard-II	2822-00-16-22	2942-00-16-91	3067-00-17-63

A) Departments of Children and Family Services, Employment Security, and Human Services - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1997	July 1, 1998	July 1, 1999
	Mo.	Mo.	Mo.
	Hr.	Hr.	Hr.
Maintenance Equipment Operator	3285.00 18.88	3390.00 19.48	3505.00 20.14

B) Department of Transportation - Division of Highways - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1997	July 1, 1998	July 1, 1999
	Mo.	Mo.	Mo.
	Hr.	Hr.	Hr.
Bridge Mechanic	3318.00 19.07	3423.00 19.67	3538.00 20.33
Bridge Tender	3117.00 17.91	3222.00 18.52	3337.00 19.18
Highway Maintenance	3414.00 19.62	3519.00 20.22	3634.00 20.89
Lead Worker			
Highway Maintenance	3483.60 20.02	3588.60 20.62	3703.60 21.29
Lead Worker			
(Bridge Crew)			
Highway Maintenance	3464.00 19.91	3569.00 20.51	3684.00 21.17
(Lead Lead Worker)			
Highway Maintainer	3285.00 18.88	3390.00 19.48	3505.00 20.14
(New Hire 7/1/97-6/30/98)	2464.00 14.16	2734.00 15.71	3014.00 17.32
(New Hire 7/1/98-6/30/99)		2543.00 14.61	2828.00 16.25
(New Hire 7/1/99-6/30/2000)			2629.00 15.11
Highway Maintainer	3354.60 19.28	3459.60 19.88	3574.60 20.54
(Bridge Crew)			
(New Hire 7/1/97-6/30/98)	2515.60 14.46	2788.95 16.03	3071.95 17.66
(New Hire 7/1/98-6/30/99)		2594.70 14.91	2882.70 16.57
(New Hire 7/1/99-6/30/2000)			2680.60 15.41
Highway Maintainer	3384.00 19.45	3489.00 20.05	3604.00 20.71
(Drill Rig)			
(New Hire 7/1/97-6/30/98)	2538.00 14.59	2813.00 16.17	3098.00 17.81
(New Hire 7/1/98-6/30/99)		2617.00 15.04	2907.00 16.71
(New Hire 7/1/99-6/30/2000)			2703.00 15.53
Janitor I	2992.00 17.20	3097.00 17.80	3212.00 18.46
Janitor II	3023.00 17.37	3128.00 17.98	3243.00 18.64
Labar Maintenance	3249.00 18.67	3354.00 19.28	3469.00 19.94

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Lead Worker			
Laborer (Maintenance)	3193.00 18.35	3298.00 18.95	3413.00 19.61
Maintenance Worker	3229.00 18.56	3334.00 19.16	3449.00 19.82
Power Shovel Operator	3384.00 19.45	3489.00 20.05	3604.00 20.71
(Maintenance)			
Power Shovel Operator	3453.60 19.85	3558.60 20.45	3673.60 21.11
(Maintenance)			
(Bridge Crew)			
Security Guard I	3019.00 17.35	3124.00 17.95	3239.00 18.61
Security Guard II	3067.00 17.63	3172.00 18.23	3287.00 18.89
Silk Screen Operator	3389.00 19.48	3494.00 20.08	3609.00 20.74

C) Department of Central Management Services - Division of Vehicles - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1997	July 1, 1998	July 1, 1999
	Mo.	Mo.	Mo.
	Hr.	Hr.	Hr.
Janitor I	2992.00 17.20	3097.00 17.80	3212.00 18.46
Janitor II	3023.00 17.37	3128.00 17.98	3243.00 18.64
Maintenance Equipment	3285.00 18.88	3390.00 19.48	3505.00 20.14
Operator (all divisions)			
Maintenance Worker	3229.00 18.56	3334.00 19.16	3449.00 19.82
Security Guard I	3019.00 17.35	3124.00 17.95	3239.00 18.62
Security Guard II	3067.00 17.63	3172.00 18.23	3287.00 18.89

D) Department of Corrections (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will) (Alternative Pension Formula)

	July 1, 1997	July 1, 1998	July 1, 1999
	Mo.	Mo.	Mo.
	Hr.	Hr.	Hr.
Maintenance Equipment Operator	3384.00 19.45	3489.00 20.05	3604.00 20.71

NOTE: Full time employees who are receiving the flat-rate pension formula w one-time lump sum payment of \$565, effective July 1, 1997.

(Source: Peremptory amendment at 22 Ill. Reg. 7693, effective April 20, 1998)

## STATE BOARD OF EDUCATION

## NOTICE OF MODIFICATION OF EMERGENCY RULES

## IN RESPONSE TO A JCARE OBJECTION

- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3) Section Numbers:  
151.50
- 4) Notice of Emergency Rules published in the Illinois Register: January 30, 1998; 22 Ill. Reg. 2616; modified at 22 Ill. Reg. 4500.
- 5) JCAR Statement of Objection to Emergency Rules published in the Illinois Register: The statement of objection was published at 22 Ill. Reg. 6782; April 10, 1998.
- 6) Date Agency submitted this modification to JCARE for approval: April 17, 1998
- 7) Summary of Action Taken by the Agency: The State Board has modified Section 151.50 to clarify the circumstances under which school construction grant entitlements will be subject to priority ranking.

The full text of the Section(s) of the emergency rules being modified begins on the next page:

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## NOTICE OF MODIFICATION OF EMERGENCY RULES

## IN RESPONSE TO A JCARE OBJECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER c: FINANCE

## PART 151

## SCHOOL CONSTRUCTION PROGRAM

Section	Purpose
151.10 EMERGENCY	Application for School Construction Project Grant Entitlement
151.20 EMERGENCY	Eligible Applicants
151.30 EMERGENCY	Application for School Construction Project Grant Entitlement
151.40 EMERGENCY	Award of Construction Project Grant Entitlement
151.50 EMERGENCY	Priority Ranking of Construction Grant Entitlements
151.60 EMERGENCY	Grant Index
151.70 EMERGENCY	Debt Service Grants

AUTHORITY: Implementing the School Construction Law (see P.A. 90-548, effective January 1, 1998) and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to Joint Committee on Administrative Rule objections at 22 Ill. Reg. 7703.

### Section 151.50 Priority Ranking of Construction Grant Entitlements

#### EMERGENCY

Priority ranking of construction entitlements shall be done if the appropriation for any fiscal year is insufficient to fund grants for all approved grant entitlements. In this case, districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
  - 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
  - 2) the district's ranking within its level of priority, determined



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according to subsections (b) through (d) of this Section--should such a ranking be warranted for grant-award purposes.

b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as recorded on the district's most recent Fall Enrollment/Housing Report. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.

c) Needed Capacity

1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.

A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.

B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.

2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

d) Determination of Available Capacity

1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of such room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40
Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer	

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Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40

High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35
Special Education Classroom	50

2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

3) As used in this subsection (d), "permanent building" means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or

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## IN RESPONSE TO A JC&amp;R OBJECTION

- crawlspaces but does not include the sole use of piers.
- 4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (3) of this Section by the following utilization factors:

- A) elementary schools
- e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

(Source: Modified at 22 Ill. Reg. 7703.)

## ILLINOIS DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Sewage Disposal Code

- 2) Code Citation: 77 Ill. Adm. Code 905

- 3) Register Citation to Notice of Proposed Rules: 22 Ill. Reg. 6593; April 10, 1998

- 4) Dates, Times and Locations of Public Hearings:

May 21, 1998

10:30 a.m.

Illinois Department of Public Health

1st Floor Training Room

525 West Jefferson Street

Springfield, Illinois 62761

- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearings:

A. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.

B. No person will be recognized to speak for a second time until all persons wishing to testify have done so. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so.

C. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of the call of witnesses as he/she deems necessary.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearings shall be directed to:

Gail M. DeVito

Illinois Department of Public Health

535 West Jefferson Street, 5th Floor

Springfield, IL 62761

(217) 782-2043



## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

## NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are "identical in substance" to U.S. Environmental Protection Agency (USEPA) RCRA Subtitle C rules adopted pursuant to Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sections 6921-6925). These rules are contained in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, 728, 733, and 739. (Parts 702, 720 through 726, and 728 are to be amended in dockets R97-21 and R98-5.)

Section 13.3 of the Environmental Protection Act (Act) [415 ILCS 5/13.3] requires the Board to adopt regulations that are "identical in substance" to U.S. Environmental Protection Agency (USEPA) underground injection control (UIC) rules adopted pursuant to Section 1421 of the Safe Drinking Water Act (SDWA), 42 USC Section 300h (1996). These rules are contained in 35 Ill. Adm. Code 730 and 738. (Part 738 is to be amended in dockets R97-21 and R98-5.)

Section 7.2(a) of the Act requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

On April 16, 1998, the Pollution Control Board adopted an order that set forth reasons for delay in the consolidated RCRA Subtitle C and UIC update docket R97-21/R98-3/R98-5. In that order, the Board stated as follows:

## REASONS FOR DELAY

The Board consolidated this docket R97-21/R98-3/R98-5 and set forth reasons for delay in its order of September 18, 1997. At that time, we anticipated filing adopted amendments with the Secretary of State on or before May 1, 1998. The Board hereby sets forth the reasons for delay for the purposes of such an extension with regard to the RCRA Subtitle C amendments of dockets R97-21 and R98-5 and the UIC amendments of R98-3.

The Board now finds it necessary to again set forth reasons for delay in completion of rulemaking in this matter. The continued delay in the current update docket is the result of a number of causes:

1. The Board experienced significant delays in the prior update docket, R96-10/R97-3/R97-5. That greater-than-650-page consolidated proceeding, itself delayed by prior proceedings, represented a significant effort on the part of the Board, taking nearly a year from initiation to completion. The Board adopted the R96-10/R97-3/R97-5 update by an order dated November 7, 1997, and filed the adopted amendments with the Secretary of State on December 16, 1997.

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

## NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

2. It is taking the Board a bit of time to incorporate a number of corrections of minor errors to the text of the R96-10/R97-3/R97-5 amendments recently requested by the Joint Committee on Administrative Rules (JCAR).
  3. The Board recently adopted amendments to the hazardous waste regulations in docket R98-12, Amendments of 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards For Universal Waste Management) (April 2, 1998). In R98-12, the Board amended various sections of the hazardous waste regulations to include mercury-containing lamps as universal waste, as required by Section 22.23a of the Act, as added by Public Act 90-502, effective August 19, 1997. The Board must now alter the base text of the proposal to incorporate the amendments made in the R98-12 docket.
  4. The anticipated size of this update proposal presently appears to be nearly 500 pages. Significant work will be required to finish assembling a proposal for public comment for Board consideration.
  5. The federal Government Printing Office, which prints the *Federal Register* and the *Code of Federal Regulations*, does not require federal agencies to highlight the exact text of their amendments, as is required in Illinois by the Secretary of State for publication in the *Illinois Register*. Rather than omit unaffected segments of text from certain sections under amendment, USEPA simply prints the entire text of massive segments of the rules that it has amended. As a result, the Board must compare the text of the federal amendments with the prior version on a line-by-line basis, which proves very time-consuming, especially in a rulemaking of this volume.
- At present, the Board anticipates assembling a proposal for public comment for consideration at one of our regularly-scheduled meetings in June, 1998. Allowing adequate time for publication of Notices of Proposed Amendments in the *Illinois Register*, for Board adoption at a regularly-scheduled meeting following the public comment period, and a 30-day moratorium on filing to allow USEPA comment on the adopted rules, the Board presently anticipates filing adopted amendments with the Secretary of State some time before November 15, 1998.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905
- 3) The Notice of Proposed Amendments being corrected appeared at: 22 Ill. Reg. 6593; dated April 10, 1998.
- 4) The information being corrected is as follows: The answer to required question #12(A) on the Notice of Proposed Amendments is being corrected to include manufacturers of aerobic treatment systems as types of small businesses that may be affected by the rulemaking.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF RECODIFICATION

- 1) Heading of the Title: Department of Mines and Minerals
- 2) Code Citation: 62 Ill. Adm. Code
- 3) Date of Administrative Code Division Review: April 21, 1997
- 4) Headings of Parts Affected: The Department of Mines and Minerals was changed to Department of Natural Resources by Executive Order Number 2 (1995). Addresses have also been corrected.

Part NumbersHeadings

1702	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals
1705	Restriction on Financial Interests of State Employees
1777	General Content Requirements for Permit Applications
1779	Surface Mining Permit Applications - Minimum Requirements for Information on Environmental Resources
1780	Surface Mining Permit Application--Minimum Requirements for Reclamation and Operation Plan
1783	Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources
1784	Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan
1815	Permanent Program Performance Standards Coal Exploration
1819	Special Permanent Program Performance Standards--Auger Mining
1824	Special Permanent Program Performance Standards--Mountaintop Removal
1827	Special Permanent Program Performance Standards--Coal Preparation Plants Not Located Within the Permit Area of a Mine
1828	Special Permanent Program Performance Standards--In Situ Processing
1843	State Enforcement
1845	Civil Penalties
1846	Individual Civil Penalties
1848	General Rules Relating to Procedure and Practice



JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 14, 1998 through April 20, 1998 and have been scheduled for review by the Committee at its May 19, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/28/98	Department of Professional Regulation, Professional Geologist Licensing Act (68 Ill Adm Code 1252)	2/13/98 22 Ill Reg 3401	5/19/98
5/28/98	Department of Professional Regulation, Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247)	2/20/98 22 Ill Reg 3698	5/19/98
5/30/98	Department of Insurance, Noncompliance Notification and Penalties (50 Ill Adm Code 4435)	2/6/98 22 Ill Reg 2645	5/19/98
5/30/98	Department of Natural Resources, Consignment of Licenses, Stamps and Permits (17 Ill Adm Code 2520)	2/27/98 22 Ill Reg 4225	5/19/98
6/3/98	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill Adm Code 215)	2/20/98 22 Ill Reg 3674	5/19/98

Rules acted upon during the quarter of April 1 through June 30, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatalk@ccgate.sos.state.il.us (Internet address).

PROPOSED

20-1235-18

89-302-17

35-211-18

PEREMPTORY

35-310-18

80-310-17,18

35-580-17

35-740-18

50-909-18

50-4425-18

59-119-17

68-1252-18

68-1283-18

80-310-18

80-1650-17

83-418-17

86-100-17

86-500-18

86-530-18

86-670-18

86-680-18

86-3000-17

89-140-18

89-302-18

ADOPTED

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23-451-18

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35-720-18

35-721-18

35-724-18

35-725-18

35-728-18

35-733-18

77-510-18

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EMERGENCY

80-1650-17





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GEORGE H. RYAN  
SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE  
SPRINGFIELD, IL 62756

